


3 1761 11631332 1



Digitized by the Internet Archive
in 2023 with funding from
University of Toronto

<https://archive.org/details/31761116313321>



Government
Publications

Range 6
13

427a

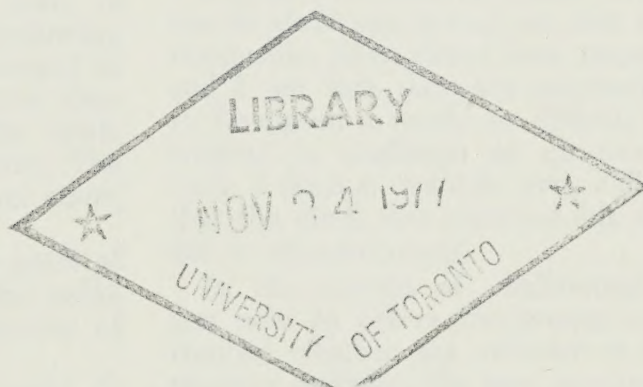
No. 51

Legislature of Ontario

Debates

Official Report (Hansard) Daily Edition

Legislative Assembly



First Session, 31st Parliament

Tuesday, November 15, 1977

Evening Sitting

Speaker: Honourable John E. Stokes

Clerk: Roderick Lewis, Q.C.

CONTENTS

A list of the speakers taking part in the debates in this issue of Hansard appears, in alphabetical order, at the back of this issue.

Daily contents of proceedings also appears at the back of this issue. Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff. Phone 965-2159.

Hansard subscription price is \$15.00 per session, from: Sessional Subscription Service, Printing Services Branch, Ministry of Government Services, 9th Floor, Ferguson Block, Parliament Buildings, Toronto M7A 1N3. Phone 965-2238.

Published by the Legislature of the Province of Ontario.
Editor of Debates: Peter Brannan.

LEGISLATURE OF ONTARIO

TUESDAY, NOVEMBER 15, 1977

The House resumed at 8 p.m.

MUNICIPAL ELECTIONS ACT (continued)

Mr. Speaker: The motion is for second reading of Bill 98, An Act to revise the Municipal Elections Act.

The hon. member for Essex North has the floor.

Mr. Ruston: I would like to say a few words with regard to this bill. I live in the area of Essex county which, a few years ago, was involved in a severe storm in December that disrupted the municipal election. Most of the municipalities in the county managed to conduct their elections on the day of the election, or finished the day after the election, without too much controversy.

Many members are aware, I'm sure, of what the city of Windsor did in conducting its election, which were later challenged in the county court. The actions of the elections officer, who was also the city clerk, were ruled valid by the county court. The decision was appealed in the division court, which also ruled the election valid.

It would appear from a layman's point of view, that in this particular case the judge had no alternative but to rule in favour of the clerk's conduct.

This was for two reasons. He could do nothing else under the circumstances. By the time it reached the division court, the council had been in office for about seven or eight months. If there had been an upset at that time there would have been complete chaos in the city of Windsor, through the school boards, the public utilities commission and the council. I would imagine that there wasn't any other decision the judge could have made which would have been correct. I don't suppose that anyone would want to be in the judge's position having to make that decision, because, no doubt, under the law at that time some things were done that were not according to Hoyle, but done due to the circumstances at the time.

One thing that concerns me about the Act is section 69, "Declaration of an emergency by the clerk." The actions of the clerk of the city of Windsor were comparable to those in section 69(3), which reads: "The arrange-

ments made by the clerk under subsection 2, in good faith, shall not be open to question, or be quashed, set aside or declared invalid on account of their unreasonableness or supposed unreasonableness." This is a new part of the elections Act.

This might be difficult for the clerk at times, if there was to be such an emergency as that in Essex county. On the other hand, if the election date is moved up to the second Monday in November the probabilities of anything like that happening again are very remote and perhaps wouldn't happen in a 50-year cycle anyway.

There is no guideline set out that I can find which might guide the clerk. Apparently he must pretty well use his own judgement; of course, that's really what section 69 says. I suppose it would be pretty hard for anyone to challenge it and say that he was unreasonable. Most clerks have responsible jobs and I am sure they are responsible people, so I suppose it would be difficult for anyone wishing to challenge an election. On that basis, I think it might be very difficult to find that the clerk was unreasonable in what he did in an emergency.

In the system of challenging anything, you now go before the county court, but I wonder whether the minister or the parliamentary assistant, the hon. member for Durham West (Mr. Ashe), can say if there has ever been any thought in any of their discussions as to having this challenged by way of a notice of motion. I understand that might be less adversarial to some extent. I discussed this with a friend of mine who has been involved in these matters to some extent and he thought it would be a less adversarial system if there was some way of doing it in that way. But that's just a thought, and perhaps the parliamentary assistant might comment on that when he's replying to those who have spoken on the bill.

Another area of the bill which I think is better than the old Act is section 33, dealing with persons whose names have been left off the list. I don't want to get involved in discussing the bill section by section; these are some of the things that concern me in broad terms, but we can deal with them in detail in committee. My interpretation of

section 33 is that you are allowed up until the closing of the poll to have your name added to the list by the clerk. This is of concern to me.

I can recall a number of years ago taking someone down to vote, without checking the voters' list. The person had lived in the municipality for 35 years or 40 years, I think, but when we got there we discovered the name had been left off the list. We went to the clerk and found that the name apparently never had been put on the assessment roll, so he could not give him a slip to vote. To this day, I think, that person has never voted in a municipal election and yet he is Canadian-born and has lived in Canada all his life. He was very concerned because he didn't think anyone would ever leave his name off the list. We all know, of course, that there is a list posted somewhere, but it is sometimes difficult to find. Most people, especially people who have lived in a community all their lives, just don't take the time to look at the list to see if their name is on it; this is understandable. People moving in, of course, quite often will inquire because they are concerned whether their name is on the list.

I think we have to make sure that if someone's name is left off by mistake or inadvertently that there is some way the clerk can put the name on the list even if they are not listed on the assessment roll, especially if we know that the people have lived in the community for a certain length of time. Certainly we don't want to deprive anybody of the right to vote; in fact, we must do everything we can to see that their names are on the list and they are not discouraged from voting.

Another area of concern is whether the requirement of 10 electors' names to be a candidate is enough. I don't know. Where we don't require any deposit or anything to run for office, I can see nothing wrong with having a larger number of electors to sign your papers to be a candidate. In a free democratic system, I suppose we shouldn't try to discourage anyone, but I don't think it would be much discouragement to anyone if we were to insist on 25 names. Again, it's a thought, and I hadn't thought of it as an amendment, but I am sure this must have been mentioned when the parliamentary assistant was discussing this with municipal officials. Perhaps he would have an answer that would be satisfactory.

I haven't got a great deal more to say, but there was one thing I wanted to

comment on. The member for Welland-Thorold (Mr. Swart) gave a great speech here before the dinner hour. He was saying they should vote in October. I can see why his party doesn't have any farm people in the Ontario Legislature when he talks like that. He wants to have the vote in the second week of October. I can tell you, Mr. Speaker, in Essex county and southern and western Ontario that is about the busiest time for farmers there is, taking off the crop.

The asphalt farmers down there just don't understand that you have to get your grain off in the fall of the year; it has to be taken off and you can't be running up and down the roads campaigning for reeve or deputy reeve or council.

Mr. Swart: You don't get your grain off until the middle of October? Boy, you are late up there.

Mr. Ruston: I am just surprised at that man, who wasn't in municipal politics for 21 years. Maybe they voted to send him here to get rid of him, I don't know. I am ashamed that man would want to deprive farm people of running for office and municipal council. And that is just what he was doing.

If he wants to have a vote in October in the cities and so forth, that's fine. I couldn't care less. You can have them the first of October or the end of September, it wouldn't matter to me. But I am telling the House, as long as I am a member of this Legislature I'll speak up. I don't care what party decides they want the vote to be early in October, they are going to have to fight against me. I'll tell you how long I can filibuster if I have to, Mr. Speaker.

I just wanted to bring a couple of those things to the members' attention, and I'll bring them up with the parliamentary assistant if he doesn't answer them in committee.

Mr. Foulds: What kind of irrational remark was that?

Mr. Ruston: What does the member for Hamilton Mountain think of that?

Mr. Charlton: I am somewhat pleased to see this bill here, because it does provide some useful changes to the Municipal Elections Act. Contrary to the opinions of our hon. friend down this end, I sincerely feel the bill doesn't go far enough in moving up the election date.

I feel very strongly the date should be in October, and in response to his comments about farmers and their ability to participate, I seem to recall a number of

provincial and federal elections held in the fall, in late September, the middle of October, and late October. I haven't seen any great lack of interest or participation on the part of the farm community in those elections.

When we consider the election date for municipal elections, we have to consider the participation of the electorate in the municipalities. One of the things we have to take a serious look at when we are considering is the kind of turnout we have had in Ontario in municipal elections. It is a turnout that runs between 25 and 35 per cent on the average—and that's just pathetic. We here have to be doing as much as we can possibly do to see that record is improved, to help bring municipal electors into active participation in municipal campaigns.

The Treasurer has indicated on a number of occasions municipal elections can't be held any earlier than the date he is proposing in this bill because of the enumeration procedures. On a number of occasions I have worked in the municipal enumeration in this province and I am extremely familiar with the workings of that process. I find myself in a position of having to disagree very strongly with the Treasurer. Perhaps if he had ever worked in the municipal enumeration process he would know better. Maybe that is what he should do before making that kind of a decision.

Mr. Warner: He should go somewhere.

Mr. Davison: He should resign and do that for a living.

Mr. Charlton: Right. There is absolutely no reason at all why the enumeration procedure cannot be altered very slightly—

Mr. Martel: He has already left.

Mr. Charlton: —and accommodate a municipal election day right across the province between October 16 and October 22. I would like to speak briefly, Mr. Speaker, to the proposition of some minor changes in the enumeration process so we can accomplish a much earlier date for municipal elections.

[8:15]

It would be no great or difficult task for the assessment commissioners who now hold the responsibility for the enumeration to tack one or two days on to the field time of their enumerators, which now totals far less than two weeks, in order that those enumerators could type up lists of the electors in the municipality by poll in an identical fashion to what we now use in the provincial and federal campaigns. We have definite proof that

the process works and is not excessively complicated. The assessment commissioner could then turn those typed lists over to the municipal clerk as a preliminary election list and then continue on with his procedure as now set out. Any errors that he finds in the original typed lists through the process of his input can be forwarded to the municipality in the form of revisions.

The clerks of the municipalities could quite easily provide special enumerators, as we do provincially and federally, to go through the process of picking up those people who inform his office they've been left off the preliminary lists. There is already provision under the existing Municipal Elections Act for the clerk to issue certificates to those electors who present themselves to him after the revision dates are over, right up to and including the eve of the election. There is ample provision to see that every elector who is in any way serious about voting in a municipal election can be on the voters' list and vote on election day.

In our caucus we have spoken to a number of assessment commissioners across this province about this particular proposition. It has been made quite clear to us by all of them we have talked to that there will be no great difficulty in providing those few additions to their procedure in order to make this process that much shorter and to move the election up into the middle of October. We had some suggestions from my colleague from Welland-Thorold that municipal elections should be held 45 days after Labour Day. This is a reasonable suggestion. It's not only reasonable but it's a suggestion we can achieve. The problem here; it seems to me is that there are far too many people hanging on to some very old and sometimes very questionable traditions.

The moving of the election date for municipal elections to the middle of October would do two things for municipal campaigns in terms of the electorate and of the candidates. It will give us an atmosphere and a circumstance in terms of weather conditions in which candidates can more easily talk to the electorate and the electorate will be a little more willing to listen to candidates, which hopefully will stimulate some more serious interest on the part of the electorate in municipal elections. There is far too little and it has become a serious problem in the municipalities.

There are a number of other points raised by my colleague from Welland-Thorold. There was the point about consecutive hours off work in order to vote. There was the point about spending limits in municipal campaigns

and disclosure of the source of funds. Both of these items are extremely important. I would suggest their omission from this bill is tantamount to saying municipal elections are just not as important as provincial and federal elections. I think it's time we as legislators here decided that that just is no longer true, that the municipalities are as important, if not in some instances more important, than either the federal or the provincial level. The municipalities have got into programs and situations that make their function very important to the total picture of taxes that people pay.

If municipal elections are to receive the important consideration they should then they must be dealt with seriously in the same way that the provincial and federal elections are dealt with, by considering the things we have considered and are considering in terms of federal and provincial elections and federal and provincial election spending.

It was also suggested we should keep the polls in municipal elections open from 9 a.m. until 8 p.m., the same as we do provincially and federally. This bill provides for the hours to be 11 a.m. to 8 p.m., which is just another indication of how serious this government and our Treasurer are about the importance of municipal elections. They are relegating this process in the municipalities to second-class status.

As I said at the outset, I am very glad to see this bill here because it does provide some improvements. I would very sincerely request of all of the members that they consider very carefully all of the amendments that are put during the committee stage and consider them in the light of the real importance of municipal politics in this province.

Mr. Blundy: I am very pleased to be able to speak in this debate on an Act to revise the Municipal Elections Act.

Mr. Bradley: Is this the former mayor of Sarnia?

Mr. Conway: A fine one at that too.

Mr. Blundy: Having spent a number of anxious moments in municipal elections myself over the years, I am quite aware of some of the practices that I feel have been beneficial and some of the practices that have not.

Several of the speakers have alluded to the fact that we must do everything we can to make it easy and attractive for voters in a municipality to go out and vote. It is indeed a very important election for those people. Those people who are elected in a municipal election are going to be dealing

with the bread and butter issues that affect the people daily. Therefore, it is very important.

When I was the mayor I used to tell people, particularly school children, when I was trying to impress upon them the importance of municipal government in their lives, that the government in Ottawa could fold up and most people would not even know it had disappeared until they did not get an income tax form.

Mr. Germa: Especially if it was Liberal.

Mr. Blundy: I used to say they could fold up down in Toronto and we probably would not know for several weeks either. But if the municipal government and those things they sponsor folded up here, they would notice it as soon as they went home because the toilet would not flush. It is really a very practical and very close thing to the people in the municipality.

Mr. Bradley: What are we all doing here, I wonder?

Mr. Conway: Is that true in Moonbeam too?

Mr. Blundy: The record of the turnout of electors in municipal elections over the years has not been all that good. I believe the changes in this Act—having been made, as I understand, in very close talks with the OMA, the PMLC and municipal officials, having been made in consultation with those people—that are being suggested are good and will help to make the municipal election more easily and readily used by the people in the municipality.

The matter of changing the election date from the first Monday in December to the second Monday in November is a step in the right direction. It will help to overcome very largely the very bad weather we have had, particularly here in southern Ontario. Traditionally, we do not have really bad weather until the month of December. After that almost anything, weatherwise, can happen. I believe we really could count on reasonably good weather. This is an acceptable date as far as I am concerned.

I want to speak very briefly about suggestions that have been made regarding the changing of the hours of polling. They are currently 11 a.m. to 8 p.m. I have found this to be very acceptable. One has to remember in a municipal election it is a very long day because it isn't as in a provincial or federal election where one may have three candidates or four candidates on one ballot to be counted. The election can almost be declared within an hour of the

polls closing in a federal or provincial election, but in a municipal election it is not uncommon to have 60 to 70 candidates on the ballot on four or five ballots—certainly four. You'd have the council, the board of education, the separate school board and public utilities commission for sure, and possibly others. And yes, you may have some questions on the ballot as well. So it takes an extremely long time to count those ballots after the polls are closed. The people have to be alert to be able to do it correctly so there are no mistakes.

The idea of opening the polls at 9 o'clock in the morning is foolish, in my opinion. I have visited the polls so many times in the past and the action that has taken place before 11 o'clock in the morning, in years when the polls were opened earlier, was absolutely negligible. By 11 o'clock in the morning, you do see some of the elderly people, the senior citizens, coming out and I think that is ample time in which to open the polls. There are two advance polls provided so people who want to vote ahead of election day because of their commitments of work and so forth are able to do so.

I strongly urge that we consider the proposals in this Act, the changes suggested. I believe they certainly meet with the changes I had hoped to see in the Act and I know they have been done with the advice and the assistance of many long-time municipal people in the clerks' offices and otherwise; and who could know better than the people who have been doing this? Personally, I had hoped the bill would pass and I will certainly be glad to have more to say, Mr. Speaker, when it is considered in committee, clause by clause.

Mr. Warner: Thank you, Mr. Speaker.

Mr. Bradley: Resign.

Mr. Conway: The Bette Stephenson of the NDP caucus.

Mr. Warner: Hey, watch that. Do you know where the Treasurer (Mr. McKeough) is, Mr. Speaker?

Mr. Bradley: He has resigned.

Mr. Warner: It seems to me the minister responsible for this legislation should be here.

Mr. Haggerty: He should be here, right.

Mr. Warner: One of the things that bothers me as we go through this crowded session is the fact we are all under the impression we have to steam-roll things through here. We happen to be dealing with what I consider to be an extremely important piece of legislation; I would think important enough to attract the attention of the Treasurer at least, but certainly important enough to

warrant a full discussion on the matter, a discussion which should include an examination of our attitudes about levels of government and forms of government.

It seems to me that for too long in this country, we have viewed governments on a level system, a hierarchy, with the federal government up on top, beneath it the provincial government, and somewhere at the bottom the municipal government. I reject that notion. I always have. It seems to me we have three forms of government, three particular avenues, no one of which is more important than any other, it's simply a different form of government. And do you know, that very basic point is missing in the philosophy of the Treasurer, as evidenced by the lack of consultation which was very well documented by my colleague and good friend the member for Welland-Thorold (Mr. Swart). I think he did a superb job of laying out, for all of the members in this House, the terrible litany of non-consultation that has taken place over a very long period of time.

Quite frankly, Mr. Speaker, it is a very heavy-handed approach to the whole business of municipal politics and I, for one, am sorry the Treasurer sees fit to carry on in such a manner. It's not right; it's not the way things should be done.

[8:30]

I don't believe for an instant, as the Treasurer seems to imply from time to time, that municipalities cannot be trusted to manage their affairs properly; to manage the money and to run the affairs of the local municipalities in a fit way. Maybe I'm being unfair to the Treasurer, but that's the view that comes across, not only to myself but also to those elected municipal politicians.

Mr. Lewis: You can't be unfair to the Treasurer.

Mr. Warner: He's not here, so I can be as unfair as I like, I guess.

Mr. Lewis: The Treasurer answers to only one person, as he indicated today.

Mr. Warner: Yes, that's true. It seems to me that it's not just the so-called Edmonton commitment which obviously has been abandoned, I don't think there's any pretence about that any longer; that commitment is meaningless, it doesn't exist.

Mr. Maeck: What does that have to do with this bill though?

Mr. Lewis: Everything.

Mr. Speaker: That's not in this bill though.

Mr. Warner: That's true, but it probably should be. I'm wondering if what we're

having in front of us is simply the benevolence of the Treasurer, what he declares to be benevolence, or is it really the result of consultation?

If the arguments which we have put forward are incorrect, I would like to hear from the parliamentary assistant, who I gather has been sent here to carry out the responsibilities of the Treasurer.

He should perhaps explain to us where we're wrong in our argument that consultation has not taken place; or if we are right how the Treasurer intends to change the process. What is the Treasurer going to do to bring about a better form of consultation? Those municipal politicians out there are not very happy with the way things are being done. They watched the Edmonton commitment being scuttled, and quite frankly what they want now in its place are some legislated agreements.

Mr. Speaker: Do I have to remind the hon. member that that's not a part of the principle of Bill 98?

Mr. Warner: No you don't, Mr. Speaker.

Mr. Cunningham: The member should read the bill.

Mr. Warner: In this particular bill, the government has decided on a definition as to who is going to vote, and the Liberals have an amendment to that definition. What bothers me is that we are not taking that portion of the bill and dealing with it in a separate, well-defined form.

The whole question as to who votes is a pretty serious one, and one which I suggest has a different kind of context in municipal elections than it does for provincial or federal voting. That is to say there is a very strong argument on municipal elections, in favour of allowing any person who has been here 12 months or longer the right to vote.

Mr. Cunningham: Abject nonsense. Can you vote in Britain? Can you vote in Portugal, or Italy?

Mr. Speaker: Just ignore the interjections.

Mr. Warner: If the member for Wentworth North wants to vote in Portugal, he can go to Portugal.

Mr. Cunningham: No, I can't vote in Portugal; that's the point.

Mr. Warner: We have disturbed your dessert from dinner, I'm sorry about that.

Mr. Cunningham: I can't vote anywhere else but Canada.

Mr. Martel: Why don't you go back to sleep?

Mr. Warner: Mr. Speaker, I didn't intend

to reawaken the member for Wentworth North.

Mr. Speaker: Your comments now are just as irrelevant as the interjections.

Mr. Martel: Don't tease the bear, whatever you do.

Mr. Warner: No, I won't tease the bear. Had the member for Wentworth North been listening, what I said is that there is a very strong argument in favour of allowing those people who have been resident for at least 12 months, or longer, the ability to vote in municipal elections on the basis that everyone pays municipal taxes. Whether a tenant or a property owner, you pay taxes for municipal services—

Mrs. Campbell: Or a merchant.

Mr. Warner: —therefore you should have the opportunity to vote in a municipal election.

There is also an argument, a very logical, reasoned argument, that says perhaps you should restrict it to Canadian citizens or those of landed immigrant status. Since the federal government, and we agree, has always maintained that a landed immigrant has equal rights with a Canadian citizen, there are certainly reasoned arguments to be put forward on those grounds. What bothers me is that we have never gone through that kind of debate. You throw it into the bill, the Liberals attempt to toss in an amendment to satisfy whatever desires they have; and that's wrong.

Mr. Lewis: It's an absolutely asinine amendment.

Mr. Warner: I don't mean the merits of the amendment. I mean it's wrong that we should deal with it in such a superficial way. We need to deal with it in a separate, defined way. We need to take a very careful, reasoned approach to the whole thing. It's too important to be discussed in such a cursory way, by way of an amendment.

Mr. Bradley: Besides, you didn't think of it first.

Mr. Warner: No; because we did think of it first, we realized it was too important to be dealt with in such an off-hand way as tossing in an amendment an hour or so ahead of when we debate the bill.

Mr. Lewis: It is exactly the way the federal Liberals behave. You did it federally, but you couldn't get away with it provincially.

Mr. Warner: Yes, and no one would expect anything more from their provincial counterparts.

Mr. Cunningham: Abject, with a big A.

Mr. Warner: You know, Mr. Speaker, as I have been reminded by my colleague from Scarborough West, I recall very vividly the federal election of 1972 when it was suddenly revealed that the federal Liberals, unannounced, had decided they were going to take away the previous voting privileges of a segment of the population.

Whether or not it was a good thing is not the point. The point is it was done very slyly, unannounced, and caused a great disruption. It should have been dealt with properly. It should have been debated in a serious, open form.

I hope, Mr. Speaker, the government will consider very carefully the arguments put forward by my colleague from Welland-Thorold regarding the election day, because make no mistake about it the half measure offered by the Treasurer of Ontario is not good enough. Half measures are always good enough for Liberals but they're not good enough for people who want real reform in municipal politics.

The message has been coming through to the government on this bill about election day. It's been coming through pretty loud and clear. People want to go out to vote in October. They don't want to risk snowstorms, even in November, and certainly not in December in northern communities. They want to be able to vote in October.

I know the member for St. George (Mrs. Campbell) is aware of the feelings of the municipal politicians of Metro Toronto on the matter of voting in October. That brings me to a very serious matter as it relates to Metro Toronto, and perhaps the parliamentary assistant can give us some words about it. You have decided in the bill, contrary to what the majority of politicians of Metro Toronto want, that you're not going to have a three-year term. There may be some logical arguments that you can string together as they apply to the entire province of Ontario, and we may be willing to accept them, but I would like to know on what rationale you base not having a three-year term as it would apply to the large urban centres such as Ottawa, Hamilton, Metro Toronto and others. Because as you are well aware, the complexities of municipal affairs in these urban centres require some long-range planning; they are of a magnitude which demands a prolonged period of time, and two years simply isn't good enough. If the government is determined it's going to stick with the two years no matter what anybody in Ottawa, Toronto or Hamilton says, no matter what Mr. Robarts says, or anyone else for that matter, then I would like some indication

tonight as to whether you are going to change your mind when it comes to the legislation pertaining to Metro Toronto which you're supposed to be bringing in sometime in the spring of 1978.

If the government doesn't have any answers, then is it at least saying we can have a full and open discussion with those large urban centres? While it may be in the best interest of a lot of rural municipalities to have a two-year term, perhaps it is not in the best interest of the large urban centres. I would like to know what's wrong in allowing those urban centres, which so desire it, to have the opportunity of setting a three-year term.

The proper thing is that each of those municipalities, such as Metro Toronto, should have the option of setting a three-year term if it desires to do so. Let them decide whether they want a two-year or three-year term. I would appreciate some comments on that.

Some of the municipal officials, by the way, feel quite secure about the three-year term, they are quite willing to put it on the ballot. I would like to know the government's answer on that score. Is there something wrong in the municipal officials in Metro Toronto putting that question on the 1978 municipal ballot, as a decision to be made by the people in Metro Toronto as to how many years they want the term of office to be for their elected officials? Pretty scary isn't it? It sounds like real democracy. I suppose it's at that point the government will back off, but I would appreciate some comments in that regard.

In conclusion, I am very happy to see the bill come forward. I am not very pleased at the manner in which it has come forward, because it sounds to me as though it's what the Treasurer would best describe as his benevolent hand in the whole affair rather than a proper kind of consultation. I am not very pleased about that. That kind of process surely has to change. As I sat and listened to my colleague from Welland-Thorold, I was very confident about and express some pride in the amendments which will be forthcoming from our critic. As a knowledgeable person for some 21 years in municipal affairs, he brings to this Legislature a knowledge which is absolutely first rate and a concern which isn't paralleled by anyone.

Mr. Cunningham: Certainly by you anyway.

Mr. Warner: Did I awaken you again?

Mr. Cunningham: You certainly did with your comments on municipal affairs.

Mr. Warner: I apologize for having awakened him, Mr. Speaker. I should know by now that the member for Wentworth isn't interested in securing knowledge.

My colleague from Welland-Thorold will be putting forward some amendments. I hope for the sake of good legislation the government is listening very carefully, because those amendments come forward as positive steps to help improve a weak bill. We want to strengthen the Municipal Elections Act. We have the opportunity to do it here tonight, because we have the opportunity to share the expertise and knowledge of my colleague from Welland-Thorold. I ask for support on each one of those amendments, because they will make for a better municipal life in the rest of Ontario.
[8:45]

Mrs. Campbell: Having really been challenged by the last speaker, I feel that it is somewhat important that I lend my voice to this debate. I have listened to this great reform group which thinks that moving the date from December to November to October is real reform. I would like the answer to the question that I think is the inevitable one, particularly with the chaotic situation in municipal financing: What happened to the undertaking of the former Treasurer, Mr. White, to give consideration to either changing the fiscal year for the province or changing the municipal year to correspond? It seems to me that when you have a municipality such as the city of Toronto, and you find her in a negative grant position for educational purposes, then it's time that the people of the city of Toronto, as well as in other parts of Metro, should have a greater voice in the planning of their municipalities.

It seems to me that only if you face up to the very real problems of any day, which at this point is in conflict with the provincial and federal fiscal dates, are you in a position where you can really try to plan, when you and you alone are going to be responsible for your educational costs, as Toronto was this last year.

There is no question in my mind that the three-year term ought to prevail in the area of Metropolitan Toronto. I have not had the opportunity of discussing the feelings of people in other parts of the province. But why on earth should the city of Toronto, raising 102 per cent of its educational costs out of the property tax, be treated like some second-class corporate body because the Treasurer doesn't even pretend to understand the problems facing the municipalities in the Metro area at this time?

The Treasurer is putting more and more of the financial burden on Metropolitan Toronto, and yet he can't trust that municipality to plan on a three-year basis. Those of us who have had anything to do with either the financial planning or other planning in a municipality of this size certainly have to tell the parliamentary assistant that it's ludicrous not to permit a three-year term for a body that one day may actually follow Alderman Gilbert's plan and demand to be a separate province. You know, that's not so funny as it seems.

If the government's going to put all the financial responsibility on Metropolitan Toronto, then for goodness' sake the government should grow up and let them mature and have the opportunity to decide their own future on a basis that is compatible with the wishes of the people of the Metropolitan Toronto area.

The kinds of dates I am talking about are Liberal dates, because they are a reform, if we can bring it about. Certainly I wonder why the present Treasurer has been so at odds with the former Treasurer—

Mr. Bradley: Where is he, anyway?

Mrs. Campbell: —in every particle of this bill, and why, he also apparently is at odds with the recommendation of Mr. Robarts in the Metro plan.

Mr. Conway: All those Tories are desperately trying to forget John White.

Mr. Cunningham: Yes. Where is he now?

Mr. Conway: Farming in Edwardsburgh.

Mrs. Campbell: You know, I suppose it really counts for naught that we stand here trying to make some reason out of this legislation. It's very strange, when you don't want to do something about the Metropolitan Toronto you always put it off until the decisions about the Metro plan, but then when you want to change something you do it without discussing the Metro plan.

Those two points are points which I must make and make strongly. Otherwise, with the way in which you're proceeding, if you have your elections as proposed in this bill you may one day wake up to find, because of the lack of ability to plan on a proper basis, you may have bankrupted some of your municipalities in the Metropolitan area.

I suggest further consideration be given to this matter. I don't like to say Toronto should have some special privilege over the others, but I certainly think a municipality as large as Metropolitan Toronto, with its financial problems and financial responsibilities, particularly in the field of planning for

human concerns, will have to have a longer period of time than the provisions in this particular bill.

Accordingly, I would hope we would get to the amendments. It is good we have this bill before us, but certainly I'd like to see some enlightenment in so far as it pertains to Metropolitan Toronto.

Thank you, Mr. Speaker.

Mr. Bounsall: Various of my close colleagues here have advised me and adjured me to speak for an hour. Let me tell the rest of the House, I may not have enough points to fill up that amount of time.

Mr. Conway: Well that doesn't usually stop you, Ted.

Mr. Lewis: It certainly did, we are governed by points.

Mr. Bounsall: That didn't stop me before, but I can't get quite as angry over this bill as I do over OHIP and the Minister of Health.

Mr. Speaker, the main point I want to speak on in this Act respecting municipal elections is the timing of the elections, the advance from the first Monday in December to the second Monday in November. It is certainly not a sufficient advance. In 1974, the first Monday in December, an election day in Windsor, a disaster befell us. We had some snow. Now it may not be unusual to get a little snow that early, but it's certainly unusual to get 18 inches of snow, something which may not bother too many other communities, but it caused quite a concern in Windsor.

The procedures under the Municipal Elections Act were not sufficiently clear for the clerk to know what to do with respect to cancelling the election, what to do with polls that were on the borderline of having opened on time and with a bunch of polls that really didn't get opened that day at all and didn't get ballot boxes out. Subsequently, there was a lot of confusion, which the press tended to compound for the first five or six voting hours on that day, as to whether the election was taking place or whether it had all been cancelled till the next day; or for a given elector whether his poll was open that day and he had to get to the poll or whether his poll was in fact one that didn't get open on time and could be cancelled till the next day.

As a result, in the spring of 1975 I proposed a private member's bill dealing with amendments to the then Municipal Elections Act in which I proposed the very latest an election should be held municipally would

be one month earlier than that, the first weekend in November.

I wasn't quite aware at the time of all the factors involved in the advance work required to go into an election. A poll of various people at that time, particularly in Windsor, indicated that that would be an appropriate time, a time at which in Windsor we certainly would never expect and very seldom would get snow, let alone 18 inches of snow.

The proposal that it go to roughly mid-October, which our party is proposing, is an even better suggestion than I had in that bill. Whatever steps need to be taken to ensure that municipal elections can be held that early would very much benefit the turnout and participation in municipal elections, and that is something we all wish was much higher than it is.

The second point I find of interest and concern in this bill is that over the last few months several of the large municipalities have contacted me—certainly the city of Windsor has—with regard to the length of term that would be covered by those elected municipally. Invariably the word has come through that larger municipalities would prefer to have a three-year term, while from other municipalities comes the information that many of the townships and the small towns are content with the two-year term. I can see with that attitude why the Provincial Municipal Liaison Committee in its brief did not come down any firmer than it did on the three-year term versus the two-year term. That is the situation which exists in Ontario. The larger municipalities almost invariably want that three-year term. There is no intent by this Legislature, I would not think, to impose a three-year term on the small municipalities and townships which very much do not want a three-year term and are happy with their two-year term.

What we need very much in this legislation, which should be amended to accommodate it, is a clause enabling the municipalities, whatever their size, to choose what length of term they are going to have. It will be no surprise as the large municipalities choose the three-year terms and no surprise as the small municipalities choose the two-year terms. That is what should occur very much in this bill. This would satisfy all of the municipalities across Ontario to the detriment of no one that I can see in the province. Whether they have a referendum or not to determine which their electors would like is up to them.

I am sure this is a correct reading of what the elected officials in municipalities would very much like to see, namely, for financial

and planning reasons, the large municipalities going to a three-year term, while the two-year term is what the small municipalities would like to see. Why this Legislature in this bill just doesn't allow that to happen is beyond me. I very strongly support a clause which would enable municipalities to choose whether they wish to have the two-year or the three-year term.

I would also like to make a comment on one other section of the bill. I am pleased to see that the clerk is given powers under section 69 of the bill to adopt any necessary procedures for the conduct of a poll when an emergency situation arises on polling day. The private member's bill I had was much more specific in this area and suggested various alternatives for the emergency situation. But I believe what we have in this bill is general and gives the clerk sufficient power to make whatever arrangements he deems necessary, bearing in mind whatever emergency situation has arisen. On this, I think we are all really speaking of weather. Something else may occur, but it is mainly a weather situation particularly as the bill stands with the election day still in the second Monday in November, which is not very much an improvement over what we have. The way we have left it, with the clerk being able to adjust to that situation and in very general terms giving him the powers generally to do what he deems necessary, is a well-written section of the bill.

[9:00]

The last subsection, subsection 3 of section 69, in which his decision is not open to question, is also a step forward when one considers the arrangements made by the city clerk of Windsor, John Adamac, and the decisions he had to come to on that Monday in December 1974, when the situation arose at Windsor, to proceed with the election in those polls that managed to get open on the Monday, and those polls that did not manage to get open on time on Monday voted the next day. That whole situation was then challenged in the courts.

Subsection 3 of this section would forever forbid the questioning of the arrangements made by the clerk in all good faith—they are assumed to be in all good faith right in the Act—to take account of those emergency situations that arise. This is an entirely new section of the bill and certainly it is one which will be welcomed by the city of Windsor as it spent some considerable amount of time and money in preparing the defence of the court challenge of that clerk and what he did.

Certainly the Municipal Elections Act at that time was not at all clear to the clerk as to what his powers were and what he could do about it. Despite phone calls to the Treasurer at that time, one John White, and contacts by myself with John White on the Sunday night and the Monday morning—the snow started to fall early Sunday morning and kept coming down—we were again left in a situation of not knowing what it was that could be or could not be done. Section 69 certainly is a step forward in keeping election challenges out of the courts and gives the clerk the proper amount of discretion to use when an emergency arises.

What I feel most strongly about in this bill is that the elections should be held as early as possible in the year—mid-October seems eminently reasonable—and certainly we should have an enabling clause in the legislation allowing municipalities to choose between two years and three years.

Mr. Bradley: Mr. Speaker, I rise in general support of this particular bill advanced by the government. Along with a number of other speakers who have spoken previously, I comment that it has been a long time coming, but certainly we on this side of the House are delighted that at long last it has arrived.

I would like to commend the member for Durham West for piloting this bill through the Legislature in place of the Treasurer, who apparently has deemed it not important enough to be here. Perhaps he has a good reason for not being here, but certainly I commend the member for Durham West in this regard.

I would also commend the member for Waterloo North, who has outlined the general stand of this particular party on this bill, and the member for Welland-Thorold, who has obviously done extensive research and has come forward with a number of rather interesting amendments that will have to be looked at very carefully as we proceed through the committee stage.

I would also like to thank the clerk of the city of St. Catharines and the representatives from the Association of Municipalities of Ontario who have commented on certain aspects of this bill. I note in some of the changes that have been made since the original printing of the bill that the government has been wise enough and certainly conciliatory enough to make some of the changes based on the suggestions that have been put forward, and I think it should be commended for that.

Obviously to many of those of us who have served in the municipal field, the paramount part of this bill is that which changes the date of the election. Even though it advances

it perhaps not as closer to the summer as some of us would like, it certainly is an improvement to advancing it to the early part of the month of November.

I think the elderly citizens in our constituencies, the infirm, the ill and many who have found it inconvenient to be able to go to the polls, will be very delighted with this particular change which does move it forward. Those working on election day, who often have to trek through the snow and sit in cold gymnasiums, et cetera, will also find it a distinct benefit to advance it even the small amount it has been advanced.

The members who represent Windsor would all have vivid memories of the famous election there which was a shemozzle because of the weather, partially because it was scheduled so late in the year. I realize it can happen again.

Mr. Lewis: It wasn't a shemozzle. It changed mayors, for heaven's sake; it was a great victory.

Mr. Ruston: An NDP mayor won.

Mr. Bradley: That's what I say, it was a shemozzle.

Mr. Lewis: It might not have happened otherwise.

Hon. B. Stephenson: Is shemozzle a parliamentary word?

Mr. Bradley: Mr. Speaker, in regard to that, and I recognize I shouldn't comment on interjections—

Mr. Lewis: That's right. You are out of order.

Mr. Bradley: —but as a member of city council in the city of St. Catharines, I often wondered if they were running a federal parliament, a provincial parliament, or a municipal council in the city of Windsor because so many of the resolutions which had nothing to do with municipal affairs seemed to emanate from the city of Windsor.

Mr. Bounsall: Good social conscience down there.

Mr. Bradley: It's of course very easy to make decisions when you don't have to take the responsibility for them, and I suppose you've got to take that into consideration.

Mr. Martel: You are starting to sound more like Trudeau every day.

Mr. Bradley: I'll go back to the regular train of thought and speak to the question, Mr. Speaker. You've been quite tolerant in this regard.

I would also mention the fact, and I think other members have pointed it out, that the candidates for election who used to have

to go out in the cold will appreciate this legislation. The member for Welland-Thorold mentioned this, I think. In the last municipal election—he may be familiar with it even though he was in the House at the time—we were out with the icicles coming from our ears and our noses and our wet hair as we went about campaigning. I'm sure the people at whose door we showed up were not too anxious to open the door and listen too long to the words of the politicians.

Mr. Warner: In your case, that's understandable.

Mr. Bradley: Whether they are at any other time, I'm not sure, but at least they had an excuse at this time for closing the door, and I'm not sure that contributed to an excellent democratic choice.

We have heard from some it would be a real problem to avoid the precedents of the past which saw councils take office on January 1. We have the inaugural meeting right after New Year's and somehow this is established as the proper manner of conducting business. However, I must say personally I've never found this to be a particularly sacred time of the year to have a new council take over. I certainly see no problem with a city council taking over, or a regional council, or a schoolboard, on the first day of December. In fact, as has been pointed out, there would not be harm in them taking over even earlier if the date could have been advanced. It does give them a longer time to plan.

Mr. Foulds: How about November 1, Hallowe'en?

Mr. Bradley: As we all know, the fine representatives of the civil service give us an awful lot of guidance in providing those budgets anyway, and I'm not convinced that politicians themselves have a substantial effect on budgets, many of which contain set costs.

We will look at some other aspects of the bill which are rather interesting and probably worthy of support, and also at some of the amendments proposed to this bill. Certainly I will be prepared to speak on these amendments when we come to that particular stage, because I think a couple of them are certainly worthy of commendation.

The one which should be easy to implement is that providing three clear hours for voting. There are those who will say you're somehow going to be hard on small businesses, because they're not going to be able to comply. But I think if we look at

the voting hours that are provided, we're going to find that it's not going to cause any hardship, once every two years, to implement this particular recommendation. Certainly on a personal basis I see this as being of positive benefit, and I'm certain this party will support that particular amendment.

Also, I heard mention of the three-year term for municipal politicians, the member for Windsor-Sandwich (Mr. Bounsall) mentioned that. He makes some very good arguments as he feels the municipal politicians would put them forward. As a municipal politician, I must say I always thought the three-year term was excellent, because it meant I didn't have to go through an election in that one extra year.

Viewing it objectively as a member of this Legislature, however, I can recognize the benefit of having two years in that the municipal level of politics, even in some of the larger municipalities, is different from the federal House and provincial Legislature. Many of the decisions made are instant decisions and many of the changes made are somewhat radical changes at the local level, even taking into consideration the fact the province has such great powers. They are the kind of changes that require the ratification or opinion of the electorate in terms of an election, and therefore I would be rather reluctant to see us move to a three-year term. I would find it rather distasteful, if we're going to have an election Act, to have across the province the option of having a three-year or two-year term. I would suggest in many municipalities it will be three years because of the self-interest of those of us who have served at that particular level. I know we always say it's for planning and financial purposes, but I'm afraid when it really comes down to it it's the fact that people don't want to face the electorate quite so often in municipal office.

Mr. Martel: In a few months from now you're going to see what it's like again, if it goes that long.

Mr. Bradley: I won't make predictions. I assume we will go the full five years in this particular House, as the opposition parties and the government—

Mr. Martel: Don't count on it.

Mr. Bradley: —work together for the people of Ontario.

Mr. Martel: Oh you're going to prop them up are you?

Mr. Roy: It's you guys who are going to prop them up, once you have your leadership decided.

Mr. Acting Speaker: Order, please.

Mr. Bradley: I was somewhat concerned, initially, about the particular date being the second Monday in November, because it might fall on Remembrance Day. But I have been informed, in consultation with those responsible for presenting the bill, rather than the election coming on Saturday as some of us might have interpreted by the term, "the next preceding day," my understanding is it would be held on the Tuesday; I think that should alleviate the fears of some of us who are rather concerned about that aspect of it.

I also find a very positive movement the fact all qualified electors will be allowed to vote on money bylaws rather than only owners of land and long-term tenants. Of course we recognize nowadays, particularly with the level of rents we see in many areas, that those who are renting and those who are boarding are also those who are paying, indirectly, the taxes in the community, and therefore they should have a say and a stake in the financial decisions being made. This is certainly a positive step in the right direction.

Another aspect of it I find very useful is the section which says only the name and address will appear on the ballot. One of the tricks of the trade in municipal politics in years gone by was to attempt to elevate oneself to a rather high position. Someone would say he was the president, for instance, and put president on the ballot. It could have been the president or vice-president in charge of sharpening pencils of a particular one- or two-person firm.

Mr. Foulds: What have you got against small business?

Mr. Bradley: Nothing at all against small business. We are the party which has promoted small business in Ontario, and therefore I feel very proud of that.

Mr. Foulds: That's not on the principle of the bill, Mr. Speaker.

Mr. Bradley: There are those who would put lawyer on the ballot, and there might be those who think that simply because they were lawyers they were more learned people, even though those of us who are not in the legal profession recognized long ago that is not the case. This really removes that abuse. It removes the trickery played with terminology in terms of one's particular classification for employment; and I think this is certainly a positive step and one which should receive the support of all members of this House.

I note also, and this I suppose really

arises out of the situation in the city of Windsor, the clerk is given powers to adopt necessary procedures during the emergency. I think as long as these powers are well-defined that is all right. I'm concerned if they're not well-defined there could be a problem when the clerk takes it upon himself or herself to make certain decisions which might have rather serious legal ramifications at some time in the future. So as long as they're clearly spelled out this is probably another step in what we would say it the right direction.

[9:15]

Members who represent constituencies in northern Ontario, the extreme southwestern Ontario and around Welland for instance, would find extremely useful the fact that notices required under the Act may be printed in the French language as well as the English language. In many constituencies in this province this would not have a major effect, but certainly there are many where the French-speaking population is rather large and this is a step in the right direction. It is certainly one which refers to the kind of justice we are talking about in the context of the debate on national unity.

Some of the concerns that are expressed are expressed by those who have to actually carry out the terms of the Election Act. In this Legislature we make a lot of laws which we don't have to necessarily administer on a personal basis or as a body. One of the things you notice when you sit on municipal councils is that you are often critical of senior levels of government which pass laws which they think are reasonably good laws, but when it comes down to it, we find they are extremely difficult to administer and are not reasonable laws. They are not practical laws as they relate to particular municipalities. I think we always have to be careful of this.

One of the amendments presented by the member for Welland-Thorold appears attractive in the beginning, but when we really examine it it isn't quite so attractive.

Mr. Foulds: It's even more attractive when you examine it.

Mr. Bradley: I don't mean the member for Welland-Thorold, I mean the amendment. Certainly the member for Welland-Thorold is very attractive in the manner and length in which he speaks in this Legislature. Being from the Niagara peninsula, I have been subjected to his verbiage in the past; listening to his speeches in regional council and reading them. In many

cases they do contain some rather good ideas and in many cases they do not.

But to get back to the hours, the change proposed would be to lengthen them by beginning at nine o'clock in the morning. As many other speakers have said, very few people, outside of perhaps a member of this Legislature who wants to vote and then leave for Queen's Park, very few electors in this province take advantage of the fact they can vote from nine o'clock to 11 o'clock in the morning.

The manner in which a municipal election differs from federal and provincial elections should be quite obvious to those who have had scrutineers present at the time of counting of the municipal ballots. When you have questions on the ballot, when you have the lengthy separate and public school boards lists, the regional council, and perhaps you have a county council as well as a city council, and so on, by the time the people have finished counting ballots in those areas which don't have voting machines—I must say that the city of St. Catharines has taken the progressive step of beginning a system of voting machines, although perhaps I am going out on a limb saying that now because we might well find out later on they are not working and then of course I will blame the local council of which I am no longer a member—however, to continue, this will not be such a problem in my constituency, but I am certain it would be in many other constituencies where the people would be there until midnight or one o'clock, or even two o'clock in the morning in very close elections doing the counting. To avoid this, I think we should remain with the present hours.

There is a large number of ballots. There is a large number of candidates. The hours are already long. If we take into consideration the fact that many of the people who work in these elections are rather elderly people, it would be unfair to keep these people unnecessarily longer; and I am not saying that we should bend the laws of elections simply because of the personnel involved, but I am saying it is a bit unfair and impractical to make their day longer.

Any movement which would change or extend the period of time during which voting proxy certificates may be obtained is good. As the election comes up many people are unclear about the rules for proxy voting. It is because they are unclear that they postpone getting themselves involved in this process only to find that it's then too late. Any extension of this particular

period would again be a step in the right direction.

One aspect of the bill could cause problems. I don't think it's a major concern, but it is a concern nevertheless, and that is the stipulation about the hours during which a person may file nomination sheets. I think if it were to say "at regular office hours" it would perhaps clear up a lot of confusion. If it states by six o'clock or five o'clock in the afternoon it is confusing because many municipalities work different hours. It can be daylight saving time, it can be—well, it can't be, in this particular case, daylight saving time in November so there is no problem that way, but if we moved it into October it could be a problem.

I would be concerned about this, because some may operate from 10 to six; some may operate from nine to five, or eight to four. I think perhaps including "during regular office hours" would certainly be a benefit.

An obvious change, and I am sure it is housekeeping to a certain extent, is the aspect of the bill which clarifies that a DRO or a poll clerk can't be a candidate at the same time. I don't know whether this did occur somewhere to bring this forward, but certainly this is something that should be looked after rather quickly, because that could be a conflict of interest.

As we get into the amendments that have been proposed by members of this House, I will take the opportunity to make further comments. I am of the opinion there are a couple that are obviously good amendments. One that I think should be considered carefully is where a person's name is deleted from the voters' list, that that person should be so notified by registered letter. I think this is perhaps a positive step and one which might be overlooked in a bill which contains many other elements to it.

I have spoken generally in favour of this bill as a positive first step. I recognize, also, that it does not include any mention of controlling election expenses. I am somewhat concerned, because local councils do have the ability to change zonings. While I am not aware personally of any specific case where undue influence has been brought on a particular member of council by one who may have contributed to the election of that member to council, or board of education, whatever it might be, the opportunity is still there if that person is owed some monetary obligation by the person who has been elected.

So it might well be that at some time in the future we should be looking at this aspect of election expenses—

Mr. Davison: No time like the present.

Mr. Bradley: —by putting limitations on them and by having disclosure of those amounts over \$100, a publication of those names, just as we have at the federal and provincial level. Perhaps this is not the right time to include it in this bill, but it is worthy of future consideration. I think the government should be implored to give that some consideration before the next election. There may be some aspects of municipal politics that are not similar to provincial politics, and therefore, we would not have exactly the same legislation.

I am generally in favour of the bill, Mr. Speaker. I look forward to the debate and the exchanges as we look at the amendments.

Mr. G. I. Miller: My remarks will be brief, but I would like to make a little input into the debate. I feel that anything to encourage a great participation by the general voting public has to be the ultimate goal of this Legislature. As we all know, municipal elections aren't all that well participated in by the voting public at large.

Restrictions also have been applied by the government in power over the last years by bringing in regional government. This has eliminated many people from participating by giving their time. I know many people in my area would like to participate at the municipal level but, because of the workload of the councils under the regional system, it has prevented many of them from participating. I think that's a regressive step.

Mr. Bradley: I never thought of that. That's another reason why we need regional government.

Mr. G. I. Miller: I would like to think too that moving the voting day to the second Monday in November is a step in the right direction, because weather conditions can be miserable the first Monday in December, as has been proven so many times in the past.

By having the second Monday in November as our election day, it should be to the advantage of the electorate at large and it perhaps will contribute to a better participation by the public.

The one thing that does concern me is the fact that three weeks is allowed after nomination. That is a long period of time, and again it could be a time factor that could affect the participation of candidates who don't want to contribute three weeks of their time in being involved in an election. I question whether it is necessary to have that three-week period before the voting day.

Another point is that, since unity in Canada is a very serious question at this time, I think

a person entitled to vote should be a Canadian citizen and perhaps the phrase "or other British subject" should be removed. The NDP has indicated that you should only live in Canada for one year, even as an immigrant, but I would have to disagree.

Mr. Warner: Who said that?

Mr. Martel: We didn't say that.

Mr. Deans: We're talking about municipal elections.

Mr. G. I. Miller: I think our citizenship shouldn't be taken lightly. It is something we should cherish, and we shouldn't be giving it away too freely.

On the other hand, I think we like to be identified as Canadians and perhaps the fact that a Canadian citizen should be the recognizing factor for being entitled to vote would be a good move at this particular time. It would show impartiality. No matter what nationality one is, it shows no partiality.

I believe this bill also permits scrutineers to be 16 years of age. Again, I think it is a step in the right direction to get our young people involved in our democratic system, which I feel is the greatest that can be provided for any country. I'm proud to think that our young people can get involved and I think they should get involved at an early age so they will understand the system. Anything we can do to encourage that is an improvement.

With those few brief comments, I would like to say again that we support the bill as it has been presented, perhaps with the exception of a uniform time. I know my colleagues who have spoken on it have said that 11 to 8 is perhaps enough time for the polls to be open. However, I think a little consistency with the provincial and federal elections would be beneficial and it would be less confusing. Perhaps an opening time of 9 to 8, or even 10 to 8, would give more people an opportunity to vote. For instance, if the Legislature is sitting and we have to wait until 11 for the polls to open, it wouldn't give us that opportunity. I think again maybe consideration should be given to uniform hours to correspond with the hours in provincial and federal elections. With those few comments, I would like to leave that with the bill.

I have one further comment. We have only had one week to study the bill. It was only presented to us one week ago which certainly doesn't give us much opportunity to research it and have any input on it.

[9:30]

Mr. Martel: Support our amendments then. We have looked at it.

Mr. G. I. Miller: I hope the government would take into consideration, as it presents bills, giving us more opportunity to research and prepare for debate on them.

Mr. Haggerty: I want to add a few comments to Bill 99, An Act to Revise the Municipal Elections Act.

Mr. Martel: What is this? A filibuster?

Mr. Haggerty: It looks like it.

Mr. Martel: They want time to read the bill tomorrow.

Mr. Haggerty: I do want to concur with some of the previous speakers that it is time to advance the election date for municipal elections in Ontario. Perhaps November is not suitable to some of us, but it is a step in the right direction. Perhaps October is the month. The argument put forth by some of the previous speakers, or even the Treasurer, is that we may have difficulties in enumeration. Maybe we should be looking at the policy established in the United States. I am a strong believer that we should have pre-registration for elections in Ontario.

Many times when a candidate is out in a municipal election, or even a provincial election knocking on doors, he meets people who have no interest at all in casting a ballot. I think it is rather important that persons running for office—and they are dedicated persons who take on this task of representing the people in municipalities—should know the persons among those they are contacting who are really interested in going to polls to vote on that day. There could be a saving to the province of Ontario, and even to municipalities, by having a pre-registration day for voting, so that one knows the persons who are likely to cast ballots on that day.

I am a little bit alarmed there is nothing in the Act that would include other communities in Ontario having the right to elect a council. I am speaking of the unorganized communities in northern Ontario. We have been promised a bill for two or three years now to give them representation and local government rule, but to this day the government has not brought in a bill to give them that opportunity to be represented at a local level.

I am a little bit alarmed also at explanatory note No. 12 which says: "Notices required under the Act may, at the option of the municipality, be printed in the French language in addition to the English language." It refers to section 119. Let's take a look at that particular section. I think this is a step in the right direction that we do have the forms printed in both French and

English. It is necessary in certain communities in the province of Ontario. I can think of the city of Welland and even the city of Port Colborne. There are a number of French-speaking people in those communities.

But, let's just see what section 119 of the Act says: "The minister may by order prescribe the forms required for the purposes of this Act, which forms may be in both the English and French languages. Any notices required to be posted, published or mailed under the Act may, in addition to being printed in the English language, be printed in the French language. The use in a municipality of forms prescribed in the French language under subsection 1, or the printing of notices in the French language under subsection 2, shall be determined by bylaw of the council of the municipality."

When one looks at that, it says, "the minister may by order prescribe." I have often heard of the expression in the House that we are looking for local autonomy, but when the minister has the right to step in and to interfere further in municipal laws—one might call it that—or operations or functions of local council where he "may by order prescribe the forms," I think that is going a little bit too far. At present municipal councils and electors are intelligent enough to make that decision themselves at that level. I would like to see that particular section, section 119, removed to permit having it in French and English where it is necessary.

The other concern is the glossy references that were made to the member for Welland-Thorold. I might go a step further and say after all he is the "father of confederation" in the Niagara region, one of those responsible for regional government in the Niagara region. He is knowledgeable in this particular area.

Mr. Davidson: You're kidding.

Mr. Haggerty: Oh definitely; one of these times we may secede from the rest of Canada too, you never can tell.

Mr. Davidson: On a regional council basis.

Mr. Haggerty: To get back to local autonomy and the financing of municipal elections, I am quoting here from the AMO, which has asked the government to give consideration to limits on the size of donations from a single source, independent verification, publication of campaign finances and tax credits to contributors. In many municipalities where there is a strong mayoralty contest there is a large amount of money spent. I suggest there should be some

accountability as to where these funds are coming from.

The matter of the three-year term was considered at the meeting with the MLC and AMO. They suggest that a three-year term is acceptable to them. If we look at the records of elections in Ontario we find about 50 per cent of the previous council is usually returned to office, so you have continuing experience at the council table. About 25 per cent of the members running for a municipality office are returned or accepted by affirmation, so there shouldn't be any difficulty in accepting the three-year term.

It has been spoken of before. Sometimes a new person elected to council needs that experience and perhaps during a two-year period he just gets his feet wet, he gains experience and he is ready to continue with what he thinks is best for the community. I think there is nothing wrong with extending municipal office to a three-year term; even Robarts has recommended a three-year term and suggested perhaps it should include the larger municipalities. Perhaps we should have something in this Act to say that any municipality of 75,000 or over should be entitled to a three-year term for council. I see nothing wrong with that. I hope there is an amendment to consider that.

The other area that I would like to discuss is the ward system, mentioned in section 21. Under the region of Niagara bill there is some difficulty if a municipality, for example, wants to establish a ward system within a municipality. They have to go through much red tape to have boundaries for a ward system established. They must have a hearing before the Ontario Municipal Board, and you are looking at perhaps two or three years for approval. I suggest that something should be in this bill, so that if by resolution of council they call for a ward system, then I think that should be granted. We talk about local autonomy, and this is one area where if the municipality wants a ward system it should be granted.

On the advance polls, I think the member for Welland-Thorold suggested that should be changed. There should be two days for advance polls in municipal elections. They should be spread so that enough persons would have sufficient options as to when they will vote. Perhaps it should be an all-day Saturday advance poll and one evening session.

The member for St. Catharines (Mr. Bradley) discussed the long hours of the poll clerks and of those working in the polls. I would leave the polling time from

11 o'clock in the morning to 8 o'clock at night as at present.

The Act says the clerk has the right to supply equipment for polling places. I think there should be a clear understanding in the Act that accessibility must be made available to those persons who are disabled, persons in wheelchairs. I can recall in the last provincial election that I, myself, along with my candidate, had to pick a chap up in a wheelchair and go up a large flight of stairs. I'll tell you, it was a tough go for both of us to get him up there—what some people won't do to get a vote.

I think there should be easy accessibility to the polling places. Above all they should be kept at ground level. Regarding the matter of the long hours for the people working in the polls, I think meals should be supplied by the municipality. For many persons working in the polls it's a long day. They go almost until midnight counting the ballots, if you're including two school boards, the regional councillors, local councils, mayor, and the council-at-large. You could also have utility commissions being elected. There's a number of them and there are quite a few ballots to be counted. I suggest some consideration be given to those persons working in the polls and meals be supplied.

Regarding the matter raised previously that there should be two nomination dates set, I think one is sufficient. Also under the present Act I believe you have to have 10 electors sign a candidate's slip for him to qualify as a member running for council. I'm not too happy with that type of section in the bill. I believe I'd like to see the old method, the old nomination night in municipalities when the previous councils had to stand up. It was their accountability night. I know many persons throughout the community haven't had an opportunity to question some of these councillors about their term of office for the past two years. I believe at nomination night they have to really show their colours and be accountable.

This new method of bringing in 10 persons to sign a candidate's slip, I just can't see that as much benefit to the electors in the community. There's very little press coverage given to that particular day of official acceptance of the candidates. I would suggest maybe this area should be changed, it should go back to the old way of being accountable to the taxpayer. I see no reason why we should have two nomination days

as mentioned by the member for Welland-Thorold.

One of the difficulties I find facing councils today is the matter of the municipal budget. If we moved the election date up to November so they can take office on December 1, as my colleague from St. George has discussed and brought to the attention of the members debating the issue tonight, it may alleviate this difficulty. I find today, under the present circumstances, a municipality has a difficulty in bringing in a budget, in some cases before the end of June. I can remember in my days on council we used to have the budget prepared at the latest by March 1 of that year. Even school boards used to have their budget in by that time. But since the regional government came into the Niagara Peninsula, we find sometimes the regional budget is not struck until sometime in June. This causes some undue hardship to the local councils in establishing or setting their mill rate and getting out their tax notices.

At one time municipalities used to give the taxpayer a break if he could pay his taxes sometime in January. The municipality I represented, even Welland county council, used to have it in their bylaw that if you paid your county taxes at the beginning of the year there was a certain rebate given. The reason was a municipality was not required, in a sense, to go to the bank and borrow some heavy financing to carry on for a period of six months. I'll tell you municipalities going to the bank early in December now will carry a heavy financial load at a cost to the taxpayers. I suggest there must be some other method of financing this.

The province comes in with its commitment to the municipalities and the region comes in with its budget much earlier than they have been in the past. I think it's time we looked at the matter of the fiscal year of the province and the calendar year of the municipalities. Perhaps they should be consistent with one another, with one following the other just as the province has. I throw these out to the members here tonight who might give them some consideration.

[9:45]

In all, I support the bill in principle. I'd like to see the date advanced to October 2, but I do support the bill in principle.

Mr. Samis: I'd like to make a few comments on the bill. Some of the main matters have obviously been covered by previous speakers with regard to such things as an earlier voting date in the fall. In our particular part of the province, we are some-

times susceptible to storms such as was experienced in Windsor, so obviously we would support that. The idea of the uniform voting day is essential, because an essential problem in municipal politics and the whole concept of municipal democracy is the degree or lack of participation in voting and in the whole democratic process.

For example, I happened to notice in the province of Quebec, they had elections on Sunday. They have tried to use Sunday as a device to stimulate more public participation, assuming more people would be off work. Even there, in the city of Montreal and in Quebec City, the voter turnout is seldom beyond 40 to 45 per cent. I know in the city of Montreal, the average is generally between 25 and 35 per cent. We're talking of budgets of over \$1 billion or \$2 billion and with a turnout of that sort my feeling would be if we were to diversify the dates, even if it were just two or three in one particular year, it would seriously weaken the public focus and public interest. I would strongly support the idea of a uniform voting day in the province of Ontario.

My colleague from Welland-Thorold has pointed out some of the amendments he intends to introduce with regard to the idea of extended hours for people to vote.

One aspect I would like to focus on is the lack of public financing in this bill. It seems to me, there's an essential difference between municipal politics and any other form of politics as practiced in this country. When a person decides to enter, he enters as an individual. He has no organization or political party backing him. He has to start at the very basis of the individual contacts and build up his own organization or group to finance the campaign and get himself known.

Obviously, when you're on the council, you have the automatic advantage of publicity, your record and public exposure. An individual who wants to break into politics at the municipal level has no set organization to start from. Provincially we start off with a party label. Most of us have a riding association or riding organization, already established in advance that we can use. We have a provincial leader who will focus attention on our party. The provincial media will help focus attention on our party. We're given free-time political broadcasts. We're given, frequently, space in newspapers to get the party message across.

All these things give a candidate at the provincial or federal level tremendous advantages over someone running municipally. I think it's extremely important that the municipal level barrier that prevents a lot of

people from getting involved, namely the lack of funds, or the fear that somebody might go deeply into debt if they were to run a good campaign, has to be removed.

If you put that in the context of a two-year election, the fact we're not going to extend it to three years or four years means we're focusing on the idea people should participate as much as possible and as frequently as possible and have the council and the local government as responsible as possible to the electorate. That means more elections and obviously that means more money and necessitates organization, advertising, et cetera. I think it's on that basis something has to be done to allow somebody of modest or ordinary means, modest financial resources, to participate.

I happen to know, in some municipalities just beyond my riding, of some people who did offer themselves for public office. A couple were successful but decided to drop out because they just couldn't afford to run a second or third time because they were working class people. They weren't businessmen, they weren't lawyers, they weren't contractors; they had rather modest incomes. Democracy should afford equal opportunity for those who want to get involved, and not make it on the basis of their pocketbook or their financial capacity but on their ability and willingness to serve.

If the Treasurer argues, as he did in his meetings, that this would cost the government more money and that the province shouldn't get involved in financing at this level, then obviously there are ways of getting around that if there is not going to be direct financing.

First of all, I think every citizen in this province has a right to know who is financing political campaigns. In 1974 the federal government, the Liberals of all people, obviously because they were a minority government and because they were forced into it by David Lewis and the NDP, did come across with an election financing bill that did give the people of Canada the opportunity to find out who was financing the political parties. I notice there was a report came out from the election officer, I believe it was two weeks ago, informing us how much money had been raised by the three political parties nationally and how it was broken down between corporations, individuals, unions, businesses, et cetera.

I think that's extremely important, because there is an awful lot of cynicism in politics that he who pays the shot calls the shot. Too many people are answerable to backroom boys, financiers, lawyers, contractors, patron-

age seekers, ward heelers and people of that type.

We have to open up the political process. We have to make the people realize that this era of backroom politics, of deals, of payoffs and control via the dollar, has to end. We have done a reasonably good job of opening up the political process federally, we have done a reasonable job provincially; but we have left the municipal scene untouched. I think that's a major fault of this piece of legislation. There is no initiative to try to get some form of public disclosure on financial contributions.

I dare say if we applied the same standards to the municipal level as we use federally and provincially, namely \$100 maximum from an undisclosed source, that would still protect the anonymity of those who want to contribute to a personal friend, whether it's \$25 or \$50; yet it would still give the possibility, if some contractor or somebody wants to influence one candidate or bankroll a candidate, of the citizens knowing who is giving \$2,000 or \$5,000 or \$10,000 to one particular candidate. The people are the ones who will pay for it after the election, when the contracts are awarded or the patronage is given out, or under-the-table deals are made. I also think if we are not prepared to fund candidates publicly, we should devise some formula for some degree of control on advertising.

Mr. Speaker: The hon. member is talking about something that isn't in the bill rather than speaking to the principle.

Mr. Samis: I am suggesting an inadequacy in the bill, Mr. Speaker.

Mr. Speaker: That's out of order on second reading.

Mr. Davidson: He is speaking to the principle.

Mr. Samis: The principle is that the government should not become involved in any aspect of financing in this bill.

Mr. Speaker: It is a principle that is non-existent in the bill.

Mr. Samis: Let me suggest, Mr. Speaker, that one of the inadequacies of the bill is the absence of any involvement in this aspect of municipal elections.

Mr. Foulds: Good, well put.

Mr. Samis: I obviously deplore that absence and that inadequacy. I will not prolong it beyond saying I think that's a fundamental weakness in the bill.

In closing I would like to deal with another aspect that was mentioned by my colleague from Erie just previously, that is the absence

of sufficiently strong wording for the clause dealing with the printing of notices whereby it says that it may be done in English or French. Coming from a riding where the two languages are officially represented at the local level, where our population is almost evenly divided, where there has for too long been an attitude in some municipalities, especially where franco-Ontarians constitute the minority, I find their rights are dependent upon the goodwill or the good nature or the disposition of the majority. If they are sufficiently well organized or powerful or influential or connected, then it will be published in their language. But if they are not economically powerful enough, then they have to depend totally on the goodwill of the majority.

In 1977, considering the national situation, considering what's been done in the province of New Brunswick in terms of language rights and considering what has to be done in the province of Ontario, I think the days of that concept of depending on the goodwill of the majority, or hoping they will condescend to publish it in both languages so that people can read it, have to come to an end.

This is Canada 1977. In a year of federal-provincial relations and the obvious challenge to our national unity, I don't think we can continue that particular concept. I wholeheartedly commend and support my colleague from Welland-Thorold for his amendment and for his desire and struggle to get, as a compulsory, mandatory, obligatory regulation in this bill, the publication of all notices for electoral purposes in English and French.

Mr. B. Newman: Mr. Speaker, I rise to make a few comments on the bill. While it is very difficult to say something that hasn't been repeated—and maybe repeated a second, third, or fourth time—I do want to make mention that one of the reasons the bill is before us is the snowfall in the city of Windsor back in 1974 and the inability to get someone with authority who could have postponed that election for one and/or two days.

I can recall my own personal involvement in that situation. I was contacted by the city clerk the day before the election and I attempted to get in touch with the Hon. John White, who was the Treasurer at the time. After a series of phone calls, the operator at Queen's Park did get hold of him and the municipal clerk, John Adamac, did have a fairly lengthy conversation with the Hon. John White. But nothing could be done; no one seemed to have any authority.

In this bill authority is going to be given to the city clerk to use his own discretion as

to whether the election date should or should not be postponed. I know there is some concern on the part of some members that he may not exercise his discretion as carefully as they would like him to exercise it. But, knowing John Adamac back in the city of Windsor, I have no fear for that at all.

Mr. Foulds: Where is the cabinet for this important bill?

Mr. B. Newman: One of the portions of the bill makes mention of election day, and the advancing of the election day approximately three weeks is a step in the right direction. And if the three weeks doesn't prove to be in the best interests of the electorate, then I see no reason why at some future date we couldn't advance that once again and put it at an earlier date if necessary.

Mr. Foulds: Always do everything by halves; if necessary, by quarters.

Mr. B. Newman: The bill does have a whole series of clauses that do concern me. I don't intend to bring all of them to your attention, Mr. Speaker, but I do refer to section 18 of the bill, which says, "a polling subdivision shall not, so far as is practicable, contain more than 350 electors . . ."

There is nothing wrong with the number 350, but if you have approximately 10 candidates for the mayoralty, up to 40 running for council with an election at large, another 10 or 15 running for the utilities commission, more than 20 running for the public school board and the same for the separate school board, and then another 10 or 15 running to be separate school representatives on the public board, you can have 60 to 70 candidates, plus any questions that may be on the ballot.

Mr. Laughren: Trudeau called it participatory democracy.

Mr. B. Newman: It's nice to see so many individuals involved in the running during an election; that doesn't disturb me one bit. What does disturb me is that having 350 electors in a poll sounds like too large a number. The poll should be substantially smaller. Rather than the 350, I would use a maximum of 250. In that way the deputy returning officer and the poll clerk are not liable to make as many, or any, mistakes. They will not have to work as hard, the line-ups will not be as long, and they would do their work with despatch and with maximum efficiency.

[10:00]

If you do have an awfully long list of names and a large number of electors from

one poll, it makes it extremely difficult to operate well. I know from the little experience I've had in both municipal and provincial elections that the large polls are the polls in which everything seems to operate much more slowly. If mistakes are made at all, they're generally made in those larger polls. I would have preferred to have seen a smaller number than 350 electors per poll. I know that can be taken care of when we go into a clause-by-clause study of the bill.

One of the other points that concerns me with the legislation is the need for uniformity. I'm pleased that, wherever possible, the bill does attempt to make uniform procedures as between the Municipal Elections Act and the provincial Act. That is a step in the right direction. I would think that the next step would be at the federal level so that all three follow the same type of procedures. The printing of the names is exactly the same. The numbering uses the same principle. The reverse printing is exactly the same. The size of the circle opposite or at the end of the name and everything else should be as close as possible to the procedures in the other two elections that are held.

In other words, municipal, provincial and federal elections should use paper exactly the same and so forth so that, once an individual gets the pattern of voting, he isn't confused when he comes from a provincial election into a municipal election. Municipally, we have a whole series of ballots. I think that's a better procedure than the American system where you have the bed-sheet which makes it extremely complicated.

Mr. Roy: That's unparliamentary.

Mr. B. Newman: Maybe the paper should be coloured on the one side, so that at least if the ballot sheet is turned over then one knows whether this is a ballot for the mayoralty as opposed to the utilities or any one of the other elective offices.

Mr. Philip: Coloured paper causes pollution in the sewage system.

Mr. B. Newman: As far as polling subdivisions are concerned, the bill makes mention that each polling subdivision should be in a place "that is most central or most convenient for the electors and is furnished with light and heat and such other accommodations and furniture as may be required." That is generally provided. The thing that does concern me a bit is that quite often the rooms are small, if it's in a private home.

Mr. Foulds: There isn't a cabinet minister in the House.

Mr. Laughren: Where is the cabinet? Where did the cabinet go?

Mr. Pope: You guys don't want them.

Mr. Speaker: Will the member for Nickel Belt stop mumbling?

Mr. B. Newman: If they are in a school, there is practically always a substantial number of steps to climb up or to go down. That makes it a handicap for not only those who are physically handicapped, but also for the elderly climbing any types of steps. In every community during a general election or a municipal election there should be some polling subdivisions on a ground floor to which anyone that is handicapped should be allowed to go whether he resides in that polling subdivision or not. He should be given a transfer certificate so that he could go into another polling subdivision and not inconvenience himself.

Further to that, I think there should be drive-in voting. There is no reason why a handicapped person couldn't sit in the car and the election officers come to the individual, check his name, give him the ballot, allow him to mark the ballot and then put it right in the box. There is nothing wrong with that at all. We do that with our money in the banks. We do that in the post office.

Mr. Haggerty: Have a credit card.

Mr. B. Newman: But we don't do it in probably the most important expression of democracy that we have, that is, the right to cast a ballot. The individual who is handicapped should have exactly the same rights as those of us who are blessed with not being disabled in any fashion, other than maybe—speaking for myself only, Mr. Speaker.

I think we have got to look at the handicapped. We want them to exercise their franchise, and yet we don't make it convenient for them. This is one of the things that is lacking in the bill—and maybe I should not be speaking on it because it is lacking in the bill, but if there is a possibility of an amendment when it comes to clause-by-clause study, I hope that will be taken into consideration by the member who is piloting the bill and that such an amendment will be put in there to convenience the handicapped people who want to exercise the franchise.

The bill lowers the age of scrutineers to 16 years. I think that is a good, forward step. As one of the previous speakers mentioned, we want to interest our youth in the

democratic process. So we are going to have to attract them into the polling subdivisions and having them as scrutineers, I think, is a good thing. Maybe we should allow high school students, to sit in at polling subdivisions, not necessarily only as scrutineers but as observers so they can see the whole electoral process and, as a result, go back better informed and maybe pass that information on to their fellow students.

I notice the bill also states: "In municipalities having more than 5,000 electors, the clerk shall mail or cause to be delivered to each dwelling unit in the municipality a notice advising the elector or electors therein of the location of the polling place in which that elector or those electors is or are to vote."

That is good, it has been done in the municipalities. But I just cannot understand, when we have this in the Municipal Elections Act, why we don't follow exactly the same procedure when it comes to provincial elections. I think the same thing should be done there.

There is no reason why each of the three, four, five or six political parties should go ahead and send the same information to each of the electors when the chief returning officer—

Mr. Speaker: Perhaps the member will heed his own admonition and stick to the principle of this bill. We are not talking about provincial elections.

Mr. B. Newman: I am sorry, Mr. Speaker. I will return to it, but I make the point that we have to look at other things when we are looking at this. We also hope the member piloting the bill through will pass this bit of information to the Treasurer (Mr. McKeough) and take that into consideration.

Mr. Bradley: Who is in charge over there?

Mr. Warner: If you can find him. He is hiding somewhere.

Mr. B. Newman: Mr. Speaker, I did make mention of drive-in voting not being in the bill. I think it should be in the bill to permit the use of a car to drive up and vote at a polling subdivision.

Mr. Davison: How about public transit voting?

Mr. Bradley: Who is the acting Premier?

An hon. member: George, you have been promoted.

Mr. B. Newman: Mr. Speaker, that essentially was what I was going to say concerning this bill, other than that schools and churches are not necessarily always the best

locations for polling subdivisions. One of the bad features about the use of schools and churches is that they may put six polls in the area in one school. As a result, people have to come from a greater distance to vote. All you are doing, by doing that, is discouraging people from coming out to vote. Recalling the snowstorm in the city of Windsor back in 1974, I can understand why quite a few people did not go out to vote. In addition to the snowstorm and the inconvenience it caused, the fact that people had to travel almost a mile, and maybe even a lot farther than a mile—and I am referring to an urban voter, not a rural voter—doesn't encourage an individual to exercise his franchise.

The other comments I would have liked to make, but which you have ruled out of order, Mr. Speaker, had to do with the limitation on election expenses and the publishing of the contributions.

Mr. Laughren: Mr. Speaker, we are on the municipal elections bill—

Mr. Riddell: Remember the three Ss.

Mr. Laughren: I want to get through this debate quickly and get on with the bill on occupational health. I'll do what I can to speed up the debate. I would like to add my support as a northern member to the 45-day interval between Labour Day and the municipal election date as put forth by my colleague from Welland-Thorold (Mr. Swart). It was driven home to me this last weekend when I was laying a wreath on Friday, November 11. The snow was blowing down my neck and into my shoes and all parts of my body were frigid. I couldn't help but think that the Treasurer or his people who drafted the bill, hadn't spent much time in northern communities around the middle of November.

I really do believe that northern communities do have a right to have a greater input into this. It may not matter very much to the southern communities whether it's the middle of October or the middle of November. Therefore, their views are not as important as the views of those in the north to whom it really is important whether or not it's the middle of October or the middle of November.

It would not have cost the Treasurer anything to have moved back the date as suggested by my colleague. That is what should have been done. It would not have interfered with the provincial or federal elections. If it had, then let the federal and provincial people take note that that is an automatic date every year. They can take that into consideration when they are setting their

election date. There is no reason that could not have been done. It's a sensible suggestion.

The other question is the whole one about the time off from work to go to the polls. Three hours seems to me to be most reasonable. We all know the problem of getting people at municipal elections out to vote. The percentage turnout is abysmally low, so we must do what we can to increase the turnout. That is just one way. I know it is not the ultimate way; the ultimate way, of course, is to introduce party politics at the municipal level, so that people know what the municipal politicians are standing for. They stand for a platform with certain policies, therefore it would encourage turnout at the polls.

Mr. Roy: You guys wouldn't get elected.

Mr. Laughren: That may be the opinion of the Liberal member.

Mr. Roy: They sneak in in the Ottawa riding.

Mr. Laughren: But I can assure you in the long run ratepayers at the municipal level are going to start demanding a different kind of return from municipal politicians. They are going to start saying, "We know something is wrong with the whole principle of property taxation and that the determination is made in Queen's Park. It is not made at the municipal level." Sooner or later that is going to start sinking in. Sooner or later politicians in Queen's Park are not going to be able to use municipal politicians as scapegoats for increased property taxation. That is going to happen. It is already happening now.

The more we can increase participation at the municipal level in elections then I think it serves us all better, because we will get the message more clearly here at Queen's Park as well. It is fine to say that the municipalities are creatures of the province and if that is the case, it certainly is under the BNA Act, then we have an obligation to listen to those people, and to listen to those politicians much more closely than we do at present.

The only other point I would like to make is the whole question of a limit on expenditures and full disclosure, requirement for disclosure, and the right of the municipality to make that determination. I would suggest it should be a requirement under the Municipal Act, not even left to the discretion of the municipalities. But I could certainly support my colleague that it be at the discretion of the municipality.

[10:15]

I can tell you, Mr. Speaker, when I talk about party politics at the municipal level, it permeates the whole municipal scene in,

well, almost an under-the-surface kind of way. Right now at the municipal level there is party politics and it does involve the expenditures and it does involve disclosure, because the establishment in municipal politics in the province of Ontario by and large is Tory. By and large, the Conservative government in Ontario has done a very good job of wooing and attracting municipal politicians. One need only look at the Conservative benches—and I don't say that in a disgruntled kind of way. I say it in an envious kind of way.

Mr. Davidson: The working man can't pay for the campaign, that's why.

Mr. Lewis: You could say it in a disparaging way.

Mr. Laughren: They have a very good job. There is the odd exception such as my friend who is our critic and my colleague from Sudbury and others from this party who have been very active in municipal politics, but by and large we know that as long as the bulk of municipal politicians represent the Tories there is a need for disclosure and a limit on expenditures in municipal elections. It's as simple as that.

Mr. Germa: Especially in Thunder Bay.

Mr. Laughren: That's right. There's probably no better example than Thunder Bay.

Mr. Lewis: Yes, Thunder Bay is an example. Imagine if there was disclosure in Thunder Bay.

Mr. Laughren: Ah!

Mr. Hennessy: I spent \$140.

Mr. Laughren: That's why we need disclosure. Exactly.

Mr. Hennessy: I don't spend much.

Mr. Laughren: No, you don't. It's who spends it on your behalf that bothers us. That's what's bothering us.

Mr. Lewis: That's \$140 at one lunch. What did you do for the rest of the time?

Interjection.

Mr. Laughren: And that's without food.

Mr. Speaker: Could we have some order? Perhaps the member for Nickel Belt would address his remarks either to the Chair or through the Chair.

Mr. Warner: Could we also have a cabinet minister?

Mr. Laughren: I'll try and do both, Mr. Speaker.

Mr. Warner: That's asking too much.

Mr. Laughren: The final point I would make is the one that was made so well by my colleague from Cornwall (Mr. Samis), and

in support of my colleague from Welland, that "any notices"—

Mr. Bradley: Welland-Thorold.

Mr. Laughren: Welland-Thorold.

Mr. Bradley: Don't forget the Thorold.

Mr. Laughren:—"that any notices required to be posted, published or mailed under this Act may be printed in both the English and the French languages." I happen to represent a bilingual-bicultural community myself and I would endorse wholeheartedly what my colleague has said, and as well, my colleague from Cornwall, because there has been an acceptance, just an acceptance, that whatever the majority is in that community—which of course is English—that's the way the decisions are made and everything else beyond that is permissive. I think that the amendment that will be put makes an excellent point and I think it's one that should be supported, not just by us but by the government and by the Liberal Party as well.

Mr. Roy: Many comments have been made about this bill and I don't intend to be repetitious on certain positive aspects of it. Certainly I for one am in favour of certain changes, as has been mentioned by the previous speaker, especially in the area of having bilingual notices and things of this nature. I don't see why it never existed before and frankly, it's a matter of paying a bit of attention to certain situations and certain matters of fact existing in a number of areas of this province.

I'm sorry that certain aspects of the suggestions we and the members to my left have made in the past as to election expenses and even extending in certain areas the term of council were not looked at in this legislation. But basically my only concern about the bill is something that I would have thought that the government across the way—and I'm pleased to see, Mr. Speaker, that we do have one cabinet member now in the House.

Mr. Lewis: She is asking herself why.

Hon. B. Stephenson: Right.

Mr. Roy: Yes, she is asking herself why. The participation on behalf of the government in the debate on this legislation certainly has not been something to be proud of. The front benches have been extremely weak.

Mr. Pope: You missed it.

Hon. B. Stephenson: The member for Oshawa East hasn't been there for long.

Mr. Roy: The thing that I can't quite understand with the legislation is the—what do you call that?—anachronism.

Mr. Havrot: Anachronism?

Hon. B. Stephenson: Anachronistic.

Mr. Roy: Anachronism, yes, I keep putting the accent on the wrong syllables. In section 12 and 13, I think it was mentioned by my colleague from Waterloo, that the government insists, when it talks about qualification of electors, about equating a Canadian citizen and a British subject. I would have thought that this was something that in 1977, in the context of Canadian politics, would be something we wouldn't have in this legislation. I'd really thought the government had gone past that, that its perception and its sensibility in that area had progressed to a stage where such things would have been changed.

Mr. Ashe: We don't understand what you are saying.

Mr. Roy: The reason I mention this is that—what's this?

Mr. Ashe: We don't understand what you're saying.

Mr. Roy: I don't understand what you're saying. Possibly you can educate me.

Mr. Havrot: You need one.

Mr. Roy: If the member for Durham West is the one who is trying to push this legislation through the House, I'm telling him right now he may have a problem and he may be facing an amendment. As I understand it, it says, "Qualifications of the elector:" I think I can read English as well as the member can, states: "... is a Canadian citizen or other British subject; ...". That's in English. I'm sorry if I don't understand what that means.

I can recall debating the provincial Election Act back in 1974. At that time the minister piloting the legislation through the House was Mr. Irvine. He surprised us at that time when he said that in the provincial Act he intended to change it to make it strictly a Canadian citizen. He surprised us. I can recall it, and my colleague from Waterloo has the Hansard notes on this. I thought if they evolve that far when you can get that kind of thinking from a person like Don Irvine, in the area of the province he's from, I think we're getting on, we're starting to understand the aspect of Canadianism in this country. Unfortunately, what happened was, he promised us an amendment but never brought it in. Obviously he was not able to convince his colleagues in cabinet or his colleagues in caucus. This country has opened its arms to people from all over the world.

Mr. Speaker: You're straying from the

principle of the bill. You're talking about what didn't happen in a provincial Act.

Mr. Pope: It's all academic. That is academic and you know it now.

Mr. Roy: It's all academic they say. I don't consider this to be an academic exercise. You, across the way, may consider this to be one.

Mr. Pope: What about the changes in the Citizenship Act?

Mr. Roy: What's this?

Mr. Pope: What about the changes in the Citizenship Act?

Mr. Roy: Yes, there have been changes to make it easier for one to become a Canadian citizen.

Mr. Pope: Right. You know it's academic now.

Mr. Davidson: Two wrongs make a right.

Mr. Roy: I can see some of the members across the way feeling somewhat uneasy but my point, basically, is this. Surely, in any level of government, the people who should elect their representatives should be Canadian citizens and we should take every step possible that Canadian citizens, no matter what their origin or country they're from, are treated equally. But we're not, when we continue this type of clause in legislation.

Mr. Pope: You don't know what you're talking about.

Mr. Roy: And it should be the criterion for voting in any election, whether it be provincial, municipal or federal. It should be strictly Canadian. We've taken steps, and the government federally has taken steps to make it easier to be a Canadian citizen.

I find it somewhat offensive at times. I don't want to be derogatory at all to people of British extraction. They have made a contribution to this country. But having made a contribution to this country, and wanting to stay in this country, there should be some positive encouragement to become Canadian citizens, and one of them should be to participate in the political process.

I say when we start looking at some of these things and when we start treating all citizens of this country, no matter what their place of origin, as Canadian citizens and encouraging them to become Canadian citizens through participation in the political process, then we will have evolved and progressed to what some of us at least anticipate or foresee this country should represent.

We should not allow this. I would hope

my colleagues across the way, in spite of some of their comments, will support the amendment that will be brought forward, hopefully, changing this and limiting it to Canadian citizens, period. Certainly this is qualification enough to be a voter. I really can't see, and I am anxious to hear from some of the members across the way, what is offensive in having in a piece of legislation, whether it be provincial or federal or municipal, that the criterion to become a voter is that one be a Canadian and nothing else and nothing more.

Mr. Lewis: In the two minutes that are left, I am feeling my normal pre-conclusion spasm in these evening sittings. I want, therefore, to say to the parliamentary assistant that as I have sat and listened to this debate for a number of hours today, both to the participation of the New Democratic members and the Liberal members, it appears to me that the job cut out for him is rather greater than he anticipated. That has emerged during the course of the discussion on this bill.

I draw to the parliamentary assistant's attention: 1. that the consultative process was abjectly neglected by his ministry and by the province; 2. that the date the government has chosen is wrong; 3. that the tenure it has imposed is arbitrary; 4. that it has no provisions for disclosure or indeed for maximum spending in a bill of this kind; and 5. it has failed to take regard of the need for some emphasis on bilingual realities in the province of Ontario.

In other words, if we weren't of such passivity in this caucus, we would have worked ourselves up to an appropriate froth at this point of the night and opposed this blessed bill in principle. But, being men and women of reason, we will give the parliamentary assistant the opportunity next Tuesday to rescue this fiasco from the ashes to which it has been reduced by the collective brilliance of the combined opposition throughout the day today.

Mr. Warner: Perhaps the parliamentary assistant should consider resigning.

Mr. Speaker: Is there any further debate on second reading of Bill 98? Would someone care to move the adjournment of the debate?

Mr. Lewis: Have the parliamentary assistant do it.

Hon. Mr. Welch: Is he the last speaker?

Mr. Lewis: I think so.

Mr. Speaker: If there are no further speakers, then the parliamentary assistant.

Mr. Ashe: I would have to react to a lot of this rhetoric that was put forward. I am afraid I can't do it in 30 seconds.

Mr. Speaker: Would you care to move the adjournment of the debate?

On motion by Mr. Ashe, the debate was adjourned.

Mr. Speaker: Do you have an announcement? We have a late show.

Mr. Lewis: Several late shows.

Mr. Speaker: Pursuant to standing order 28, the member for Downsview and the member for Oakwood have filed the required notice of their dissatisfaction with answers to questions posed to the Minister of Education on November 10 concerning the heritage language program. A motion for adjournment is deemed to have been made. I will listen to the hon. member for Downsview for up to five minutes.

HERITAGE LANGUAGE PROGRAM

Mr. di Santo: Last Thursday I asked the Minister of Education a specific question about the heritage language program in the borough of North York, which is one of the boroughs of the province which has not accepted the provincial heritage language program along with other boroughs in Metro Toronto, like Etobicoke, Scarborough and East York. I asked the minister to clarify why it was the borough of North York didn't accept the program and whether the reasons they gave were not serious enough to have him reconsider the position of the government.

[10:30]

In fact, the North York board said on September 17 that they could not accept the program because it was not self-financing. They proposed that either the province would totally fund such programs or that the students would be charged \$25 for the same programs. The minister said this is the way the continuing education programs work; it is based on sharing between provincial and local governments.

I want to tell the minister that the way this program has been implemented by the ministry is not only shameful but has been producing a negative impact in the community. The fact of the matter is that in the borough of North York alone the parents have been forced to set up third-language courses in 27 schools to date. Not only that, but the proposals of the board of education of North York are creating such a negative reaction that I can tell the House that there will be reactions, not only among the ethnic groups

but also among the English-speaking groups. As a matter of fact, if one reads today's newspapers one already can notice that there are reactions in that sense. In fact, a headline in the *Globe and Mail* reads: "Parents Worry Heritage Program Could Harm Basic Skills."

If the government doesn't become serious and implement this program in a way that will respond to a need which is there in the community, and the fact that thousands of children are organizing themselves and paying for their courses, it will create a serious division and a serious resentment in the community.

If the school boards ask the parents of the children to pay for the courses, I think that would be highly unfair. Either we think those courses are necessary and are a public service, and therefore they should be funded publicly, or we think they are not necessary and they should have been left out of the election promises that the Conservatives made in May.

If the school boards increase property taxes, then the government will be responsible, because that will produce reactions among the other parents whose children are not benefiting from these courses. In both cases, the way the government has promised these courses and the way it is implementing them, they are becoming a negative factor in our community. It will raise serious apprehensions among the ethnic groups and the other citizens of this province.

I ask the minister at this point that he assure this House and the people in the province, especially the ethnic minorities, that this government is serious about the business of the third language. If he does so, I hope the minister will give us an assurance that the whole program was not just an election promise but was something serious towards creating a multicultural society in which we truly believe—

Mr. Speaker: The hon. member's time has expired.

Mr. di Santo: —and I hope that the government will seriously consider it.

Mr. Speaker: The hon. Minister of Education.

Hon. Mr. Wells: Is there not another question?

Mr. Speaker: They were separate motions that were introduced for different reasons: in fairness, I think you should respond to the remarks of the member for Downsview.

Hon. Mr. Wells: Mr. Speaker, I would be happy to respond to the remarks of the member for Downsview, because I think that I can appreciate his enthusiasm for wanting

to serve his constituents. That certainly is well placed. The borough of North York anticipate they will be starting classes in January. I think it's incumbent upon him to work with the community groups and the North York Board of Education to see that these programs are set up in the way that the community wants.

We established this heritage language program, as we had announced many times in this House, as part of our total multiculturalism in education program. We laid out the ground rules. We felt it was better to support parent groups, working with school boards, to give a degree of continuity and to give a degree of supervision to these programs.

Mr. di Santo: But you have not paid.

Hon. Mr. Wells: We have, however, left it up to the—

Mr. di Santo: You are not paying.

Hon. Mr. Wells: —boards of education and the community groups to establish the programs. The city of Toronto has about 402 classes with nearly 10,000 students who will be taking part in this program.

Mr. di Santo: What about North York?

Mr. Lupusella: Where is your leadership in those programs?

Hon. Mr. Wells: The borough of York has 34—I've just explained to the member that the borough of North York has said it is hoping to have something ready by January.

Mr. Foulds: Hope springs eternal in the human breast.

Mr. di Santo: Yes, one program—

Hon. Mr. Wells: We over here, and a lot of the members opposite, believe in the democratic principles and the rights of people working with their boards. It's all the essence of the community school principle and so forth. All I say to the member is, work with the people and work with the elected trustees in North York to get this program going.

Ms. Gigantes: The rights of people who pay for school programs.

Hon. Mr. Wells: We've laid out the ground rules—

Mr. di Santo: But you are depriving people of their rights.

Hon. Mr. Wells: We've laid out the grants and I have used my influence—

Mr. Lupusella: Why don't you organize them? You are the Minister of Education. You should provide guidelines.

Hon. Mr. Wells: I've used my influence to encourage and ask boards to take this

program. We're not going to force them to take the program and we're not going to change the grant structure. So the member may as well get that clear.

Mr. di Santo: You have reduced the grants, exactly.

Hon. Mr. Wells: With those two principles established, the city of Toronto and 37 other boards in this province have seen fit to move ahead in this program.

Mr. Lupusella: That's how the fiction has been created.

Hon. Mr. Wells: So let's get off all this carping. How about the member working with the North York board to get the program established up there?

Ms. Gigantes: Seventy cents.

Mr. Lupusella: Why don't you change the formula then?

Mr. di Santo: Twenty-five per cent.

Hon. Mr. Wells: Let the member work with the North York board. We've already told the board; the member just needs to do a little work with them. Let's talk for a minute about this grant situation. The member keeps talking about "all that we're paying to the city of Toronto and the Metro boards". At the rate of grant that we're paying the Metro board to have a full heritage language program, it would only cost the taxpayers another two or three dollars on their taxes. That's all. That's all it would cost. And that's certainly—

Mr. Grande: Seventy-five per cent of our money.

Hon. Mr. Wells: With 75 per cent of the cost borne at the local level, with the high commercial base in Metropolitan Toronto it would only cost another two or three dollars a year.

Ms. Gigantes: You go out and get elected to a board on that.

Hon. Mr. Wells: Don't try to tell me that it's unfair and that our rate of grant is unfair because it is not. It is an equitable situation. If the member believes in equality—

Mr. Lupusella: The formula is unfair.

Hon. Mr. Wells: —he'll believe in the way we've handled our grants for this particular program.

Mr. Warner: Nonsense.

Hon. Mr. Wells: Let him cut out all his talking in the House, and instead of carping at the program, go out and help in North York to get the program established—help, like some of the other people have helped

to get it established. Then, perhaps, we'll be worthy of a little support from the community.

Mr. Lupusella: That's what we are doing and there was no reaction coming from them.

Mr. Speaker: The hon. member for Oakwood for up to five minutes.

Mr. Grande: The minister tonight is in a fighting mood, so let's keep on with that kind of a mood. On May 19, 1977—and that was, by the way, during the election campaign—the Premier (Mr. Davis) made his first election promise to a full house of ethnic press reporters, during which he unveiled the multicultural policy—

Hon. Mr. Wells: You are wrong—March 29.

Mr. Grande: May 7.

Hon. Mr. Wells: March 29.

Mr. Grande: All right. There is a speech by the Premier and I can prove that.

Hon. Mr. Wells: All right, on March 29, the program was announced.

Mr. Lupusella: Which was a political ploy.

Mr. Grande: Anyway, what happened was that on June 15, 1977, the Minister of Education sent a memorandum to the directors of education and principals in the schools. This memorandum was received by the principals and directors on June 27 and June 28, 1977.

The Minister of Education understands that at that particular time of the school year the schools are ready to close. So that meant no action was going to be taken during the summer and in September, when the principals arrived back in the school, what they found was that they had a memorandum on their desks which was, in essence, meaningless. It gave no details whatsoever in terms of the funding, it gave no details whatsoever in terms of how the school boards were going to set up these heritage language programs.

I talked to the minister before about demonstrating leadership in that ministry and he says that the leadership ought to be at the local level. Well, fine. Then let him react to what the local level said. Because, if nothing else, these heritage language programs represent what the local boards of education had been saying to the minister for the past five years. And, by the way, it was in 1975 that he first told me in this Legislature that the multicultural policy was going to be announced within two months. He came in May 1977, two full years later, to make that announcement.

Mr. Pope: March 29.

Hon. Mr. Wells: March.

An hon. member: Two years later, no matter how you read it.

Mr. Grande: Mr. Speaker, very quickly, because we just have five minutes here, on October 6, 1977, when the Minister of Education went to the Toronto Board of Education, at the meeting where 300 parents were present, the Minister of Education was quoted in the Toronto Star as saying, "Bring me some cases and we will investigate. I want to know why they are not providing the program." And "they" meant the school boards.

I wrote to the different boards of education in Metropolitan Toronto, in Ottawa, in Windsor, in London and in the major urban centres. The answers are:

North York: "We cannot start the program. The funding is limited. What we need is full funding for this program."

The Scarborough Board of Education—and that happens to be the board of education from where the minister comes—says: "We feel that the grant is not sufficient as it pays for only 25 per cent of the costs in Metro. The Metro taxpayers should not be forced to pay the difference." And it says, "A satisfactory solution would be for the Ministry of Education to pay 100 per cent of the cost of these programs."

The East York Board of Education says exactly the same thing—that the minister ought to be providing full funding for these programs.

The Etobicoke Board of Education—exactly the same thing.

An editorial in the Toronto Star titled "Wells Gets Praise But City Gets the Bills" points out to the minister that the 25 per cent of the provincial funds that go to the public school boards is certainly not enough to encourage these boards of education to set up the programs. I was telling the minister the same things during the estimates but he would not believe it.

Mr. McClellan: Two-bit Wells.

Mr. Lupusella: The programs are in jeopardy.

Mr. Grande: Here is the reaction from the parents.

I received a call a few weeks ago from the Mississauga Separate School Board. There is a petition with the names of about 35 parents and the school says to these parents, "No, we are not going to set up these programs."

Mr. Speaker: The hon. member's time has expired.

Mr. Grande: Mr. Speaker, if I may have one final sentence, that is: Take a look at the funding; go towards full funding. If the minister cannot go toward full funding, at least begin to set up a grant specifically for the heritage language program, because otherwise this is going to be a failure. Something we have been working for for five years is going to be a total failure and the responsibility must rest only with the minister.

Hon. Mr. Wells: Mr. Speaker, since we are in the mood for reading letters, let me read a letter which says, in part, "Although most of these classes are still being organized, it is anticipated that we will be providing the program for somewhere between 10,000 and 20,000 students. It is expected that the present grant scheme will be adequate, provided we are able to maintain the instructional costs at a reasonable level and the enrollments do not fall between 15 and 20 pupils per class and that the ministry does not impose a limitation on the grants as proposed."

[10:45]

Mr. Grande: That's from the separate school board.

Mr. Lupusella: Who's that from?

Hon. Mr. Wells: The Metropolitan Toronto Separate School Board which will be operating one of the largest—

Mr. di Santo: That's unfair. They had the program last year.

Mr. Speaker: Do you want to hear the answer?

Hon. Mr. Wells: All right, my friends, just calm down. The Metropolitan Toronto Separate School Board is a school board in this province just like any other board, so remember that.

Mr. di Santo: But they had a program last year.

Hon. Mr. Wells: What I am going to do in the few minutes that I have—and I understand that I have five minutes—is I am going to read to the hon. members, and put on the record, the boards that are now operating classes under the heritage language program in Ontario: Wentworth County, Lincoln, Hamilton-Wentworth RCSS, Hamilton, Niagara South, Norfolk, Welland County, Lincoln County, Windsor, Lambton County, Wellington County, Lakehead District RCSS, Lakehead, Kenora, Brant, Oxford, Perth, Nipissing, Nipissing RCSS, Kirkland Lake, Hearst, Timmins, Ottawa, Ottawa RCSS, Renfrew, Frontenac, Leeds and Grenville, Northumberland and Newcastle, Peterborough County, Halton RCSS, Borough of

York, Durham, York Region RCSS, Metropolitan Toronto Separate School Board and the Toronto Board of Education.

Ms. Gigantes: How many are new?

Hon. Mr. Wells: There are 27 different heritage languages being taught under the programs of those various boards—of course not all of them in one board but at different boards—and those languages are Arabic, Armenian, Chilean, Chinese, Cree, Croation, Czech, Danish, Dutch, Estonian, Filipino, Greek, German, Hindi, Hungarian, Italian, Korean, Latvian, Lithuanian, Polish, Portuguese, Punjabi, Spanish, Slovak, Slovenian, Ukrainian and Welsh.

Mr. Foulds: I bet you don't even know the difference between Slovakian and Armenian.

Hon. Mr. Wells: It was our estimation, when we brought in this program, that we would have about 40,000 students enrolled across this province in the first year and for which we would pay grants. We will likely reach about 40,000 students and we will pay out about \$2 million in grants. I don't think the program is a failure. I think we are starting on a very good, solid base and we will move from there.

OHIP OFFICE CLOSURE

Mr. Bounsall: Mr. Speaker, I assume this is going to be the first of a series of evenings in which the minister will be appearing late before us over the OHIP situation in Windsor. We are simply not going to forget this very easily, I can tell you.

The Minister of Health on Thursday last guillotined the staff of the Windsor OHIP office from 51 to five, removing thereby all the claims processing from Windsor to London, a small sub-office being left to handle inquiries only. I asked the minister today how, in the name of saving dollars, he could shift the claims processing from Windsor to London when by the ministry's own figures the Windsor employees are more efficient. The minister did admit that the efficiency in the Windsor office was higher.

I asked the minister, in addition, did he have any idea of the number of claims from Windsor area residents arising from treatment in Detroit because of the special treatment and facilities there? I referred to claims for payment that they personally take in to the Windsor office. The minister had no idea but thought they were small.

It shows again that the minister does not really take into account the special situation of Windsor as a border city that he did not have that sort of figure.

He completely ignores the very important psychological feeling of those persons who require to have medical treatment in Detroit and pay out of their own pocket for them first and then have to come back to the OHIP system for repayment. They have a very strongly felt psychological feeling of walking into an OHIP office and feeling confident, with the full range of services there, that their claim will be processed promptly.

My third question pertained to the space situation in London, to which 27 persons from the Windsor office are to be offered a transfer. I asked, was he aware that the space consolidation plan for the London OHIP office would make the situation very tight even for the staff there now, let alone 27 more coming in? Or words to that effect; I didn't quite have enough time to say all of that. But certainly the situation would be tight with that planned space consolidation. The minister replied to the effect that the space situation was adequate in London, and this is where his answer was most inadequate. It can be fine only if that space consolidation plan is reversed and if the space on the fourth floor, which was to have been vacated in March is restored.

I gather that this was done yesterday. OHIP officials went down and said to the London office people, "You will not have to relocate the space. You will not have to vacate the fourth floor." This points out weaknesses in the minister's figures. He's counting as half of his half-a-million dollar saving savings resulting from rent and other cost figures in the Windsor building. If he does that, he must subtract from that all of the maintenance and rental of that fourth floor space in the London office which is now being returned to that London office. Like all figures, it seems, emanating from the Ministry of Health, when one gives them a close scrutiny, they do not stand up to what is released by the minister's staff.

The minister in his cutback completely ignores the historical feeling around Windsor over the OHIP office, Windsor Medical Services having existed in those facilities and operated for years before the formation of the province-wide OHIP. It was a service to which Windsor people had become very attached under Windsor Medical Services. They were a little bit concerned when OHIP came in and it is now removed entirely from the community.

One other point which is of interest is that my colleague from Windsor-Riverside (Mr. Cooke) asked the minister if he had any plans to close anything else down in Wind-

sor. The reply from the Minister of Labour to that was, "How about Windsor itself?" I think this minister may well talk to the Minister of Labour (B. Stephenson) about her attitude towards Windsor and the services that should be provided there.

Mr. Cooke: She should apologize in the House.

Mr. Speaker: The hon. member's time has expired.

Mr. Bounsall: I just say in conclusion, with most other ministries decentralizing and attempting to bring services closer to people, this ministry in its madness in a drive to save money, where those savings are very questionable, does the reverse.

Mr. Warner: Justify your actions.

Hon. Mr. Timbrell: Mr. Speaker, may I have some indication from you? I think the next late show serial deals with the same subject. May I respond to both at once?

Mr. Speaker: This is the end. We can only have three.

Mr. Warner: We're doing this in instalments.

Mr. Wildman: You'll have to come back Thursday night.

Hon. Mr. Timbrell: As I understand it, the hon. member made four or five points tonight. They are basically as indicated in his motion noting dissatisfaction.

First of all, let me deal with the question of the volume of claims. It is quite true that the efficiency, if you want to call it that, of the Windsor office in terms of numbers of claims for the number of staff is marginally, during last year at least, better than that for the London office.

Mr. Bounsall: Ten per cent.

Hon. Mr. Timbrell: No, I worked it out as a matter of fact. If you take the two million claims at Windsor and divide it by 51 staff, that gives 39,215.6. If you take 4,800,000 claims at London with 128 staff, it gives 37,500. That is a difference of 1,700 which is not 10 per cent. It is much less than 10 per cent.

The London office is a district office in an area serving a much broader area than that of the Windsor office presently and also serving a number of teaching hospitals. It has been the experience of OHIP over the years that the teaching hospitals do generate more difficult, more time-consuming and more involved cases than in the non-teaching hospitals.

Mr. Wildman: Which city has the largest RCMP detachment?

Hon. Mr. Timbrell: Given the marginal difference, I really don't think that that is a valid argument. Of course, with the transfer of the bulk of the function of Windsor to the London office, there will be an overall reduction in staff of 19, which will give us 160 staff in London processing 6,800,000, we'll take the same figures, which will give us an efficiency of 42,500, if we want to pursue that argument through to its logical conclusion.

The other thing I want to point out is that we do have a series around the province of district offices and sub-offices. For instance, the Hamilton office of OHIP is a district office, but there are sub-offices in Kitchener and St. Catharines which do receive some inquiries and claims. They relate to Hamilton as their district office. This is the relationship that will exist between Windsor and London. The other thing I want to clear up is that the member talks about the claims from Detroit. I'm sorry, I don't know what the numbers are, I really don't think that it would be a sizeable percentage of the total number of claims processed through the Windsor office.

Mr. Bounsall: It matters very much to the persons involved, though.

Hon. Mr. Timbrell: But the point is that any such claims will continue to be processed. They can continue to go to the Windsor office to get their assistance in filing claims. Our experience in looking at the operation of OHIP is that based on a survey of our OHIP offices, 97 per cent of the inquiries which we receive at the OHIP offices from the general public relate to enrolment, and not to claims. Certainly that will continue to be looked after by the five-person staff left in Windsor.

Let me get into the question of the amount of space. In London, it is quite true that before the decision was taken to reduce, it was their intention to give up 10,000 square feet of space. That will now be reduced to 5,000. We will be giving up 5,000 square feet of space, rather than the original 10,000 as planned. That will save us \$45,000 a year in the London operation, as opposed to what would have been \$90,000 a year, had that been given up and the other changes not made.

The moving of the two offices together for the processing purposes, aside from the fact that it is part of a process in which the ministry is going to be involved for a number of years with district offices and sub-offices, will mean that we will be able to reach the

desired range for the offices of 600,000 to 700,000 claims.

Mr. Speaker: The hon. minister's time has expired.

Hon. Mr. Timbrell: Mr. Speaker, tomorrow, as a matter of fact, we'll be into estimates again and there are many other aspects of

this I will be glad to share with the members at that time.

Mr. Warner: Like centralized confusion.

Mr. Speaker: I deem the motion to adjourn to have been carried.

The House adjourned at 11 p.m.

CONTENTS

Tuesday, November 15, 1977

Municipal Elections Act, Mr. McKeough, on second reading	1899
Debate re answer to oral question on heritage language program, Mr. di Santo, Mr. Grande, Mr. Wells	1923
Debate re answer to oral question on OHIP office closure, Mr. Bounsall, Mr. Timbrell	1927
Adjournment	1929

SPEAKERS IN THIS ISSUE

Ashe, G. (Durham West PC)
Blundy, P. (Sarnia L)
Bounsall, E. J. (Windsor-Sandwich NDP)
Bradley, J. (St. Catharines L)
Campbell, M. (St. George L)
Charlton, B. (Hamilton Mountain NDP)
Conway, S. (Renfrew North L)
Cooke, D. (Windsor-Riverside NDP)
Cunningham, E. (Wentworth North L)
Davidson, M. (Cambridge NDP)
Davison, M. (Hamilton Centre NDP)
di Santo, O. (Downsview NDP)
Foulds, J. F. (Port Arthur NDP)
Germa, M. C. (Sudbury NDP)
Gigantes, E. (Carleton East NDP)
Grande, A. (Oakwood NDP)
Haggerty, R. (Erie L)
Havrot, E. (Timiskaming PC)
Hennessy, M. (Fort William PC)
Laughren, F. (Nickel Belt NDP)
Lewis, S. (Scarborough West NDP)
Lupusella, A. (Dovercourt NDP)
Maeck, L. (Parry Sound PC)
Martel, E. W. (Sudbury East NDP)
McClellan, R. (Bellwoods NDP)
Miller, G. I. (Haldimand-Norfolk L)
Newman, B. (Windsor-Walkerville L)
Pope, A. (Cochrane South PC)
Riddell, J. (Huron-Middlesex L)
Rotenberg D.; Acting Speaker (Wilson Heights PC)
Roy, A. J. (Ottawa East L)
Ruston, R. F. (Essex North L)
Samis, G. (Cornwall NDP)
Stephenson, Hon. B.; Minister of Labour (York Mills PC)
Stokes, Hon. J. E.; Speaker (Lake Nipigon NDP)
Swart, M. (Welland-Thorold NDP)
Timbrell, Hon. D. R.; Minister of Health (Don Mills PC)
Warner, D. (Scarborough-Ellesmere NDP)
Welch, Hon. R.; Minister of Culture and Recreation, Deputy Premier (Brock PC)
Wells, Hon. T. L.; Minister of Education (Scarborough North PC)
Wildman, B. (Algoma NDP)



No. 52

Legislature of Ontario Debates

Official Report (Hansard)
Daily Edition



First Session, 31st Parliament

Thursday, November 17, 1977

Afternoon Sitting

Speaker: Honourable John E. Stokes

Clerk: Roderick Lewis, Q.C.

CONTENTS

A list of the speakers taking part in the debates in this issue of Hansard appears, in alphabetical order, at the back of this issue.

Daily contents of proceedings also appears at the back of this issue. Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff. Phone 965-2159.

Hansard subscription price is \$15.00 per session, from: Sessional Subscription Service, Printing Services Branch, Ministry of Government Services, 9th Floor, Ferguson Block, Parliament Buildings, Toronto M7A 1N3. Phone 965-2238.

Published by the Legislature of the Province of Ontario.
Editor of Debates: Peter Brannan.

LEGISLATURE OF ONTARIO

THURSDAY, NOVEMBER 17, 1977

The House met at 2 p.m.

Prayers.

SUPPLEMENTARY ESTIMATES

Hon. Mr. Auld: Mr. Speaker, I have here a message from the Honourable the Lieutenant Governor signed by her own hand.

Mr. Speaker: By her own hand, P. M. McGibbon, the Honourable the Lieutenant Governor, transmits supplementary estimates of certain additional sums required for the services of the province for the year ending March 31, 1978, and recommends them to the Legislative Assembly, Toronto, November 17, 1977.

NON-PROFIT HOUSING

Hon. Mr. Rhodes: Mr. Speaker, I rise in order to correct the record and to explain remarks I made in answer to a question on Tuesday that unintentionally and inadvertently, I believe, misled the hon. member for Ottawa East (Mr. Roy), and as a result, other members of the House.

On Tuesday last the hon. member for Ottawa East inquired of me as to the status of discussions between myself and the mayor of Ottawa as it related to funding for non-profit housing developments in that city. In response to his question, I advised the hon. member that I had communicated with the mayor of Ottawa and had advised him of a formula that had been worked out that we felt would satisfactorily take care of the problem.

That was not correct. I had written to the mayor of Ottawa and advised him that a formula had been devised in which Central Mortgage and Housing had concurred, but I did not communicate the formula to the mayor. The matters to be discussed required that they be presented to Management Board for their approval prior to being forwarded to the mayor.

I would like to correct the record and I regret any inconvenience that may have been caused to the hon. member. I did attempt to contact him on Tuesday; unfortunately he was busy. I did advise two members of the press gallery representing Ottawa papers of exactly what had occurred.

STATEMENTS BY THE MINISTRY

OHIP HEADQUARTERS

Hon. Mr. Timbrell: Mr. Speaker, on November 15, 1977, the hon. member for Ottawa Centre (Mr. Cassidy) asked if in fact this government was reconsidering its decision to move the OHIP headquarters to Kingston. The hon. member went on to indicate that rumours were circulating in the Kingston area to this effect.

It has come to my attention since I first addressed the hon. member's question in the Legislature that this rumour was in fact started or supported by the hon. member himself on an open-line radio show in Kingston.

Mr. Lewis: How do you have a rumour if someone doesn't start it?

Hon. Mr. Timbrell: I would like to re-confirm that OHIP is going to Kingston. There is no truth to the rumour indicating that the government is reconsidering its decision. Indeed, a site has been selected and negotiations are under way between the Ministry of Government Services and the current owners.

Mr. Lewis: I have heard you are closing down the head office in Toronto. It has come to my attention. I have heard that.

COMMERCIAL VEHICLE REGISTRATION FEES

Hon. Mr. Snow: Mr. Speaker, an amending regulation on fees for commercial motor vehicles is presently being prepared for 1978 registration year. Included will be a new category of fees for small commercial motor vehicles, such as half-ton pickup trucks, and vans.

Commercial motor vehicles used primarily for personal transportation and recreational purposes, with a registered gross weight of 5,000 pounds or less, will be able to purchase annual registration based on cylinders under the same fee schedule as passenger cars. Persons wishing to apply for this type of registration must complete a declaration form attesting to the personal use of the vehicle and the following fees will be applicable:

In southern Ontario, four cylinders or less, \$30; five or six cylinders, \$45; seven cylinders or more, \$60. Vehicles with an engine displacement in excess of 6.5 litres or 397 cubic inches being registered in Ontario for the first time, \$80

In northern Ontario, all small commercial vehicles coming within the category will be eligible for the \$10 fee.

Mr. Wildman: It's time you woke up.

Hon. Mr. Snow: This change will be introduced with the commencement of the 1978 licensing year for commercial motor vehicles. Vehicles licensed in this category will continue to bear commercial motor vehicle plates, which will be identified by a sticker indicating the vehicle is being used primarily for personal purposes. It applies to all of Ontario.

STREETCAR CONTRACT

Hon. Mr. Snow: Mr. Speaker, I have a reply to a question by the Leader of the Opposition (Mr. S. Smith) which I wish to give as a statement as it is rather lengthy.

On November 10, the hon. Leader of the Opposition asked several questions related to the contract between the Urban Transportation Development Corporation and Hawker Siddeley Canada Limited for the production of 190 streetcars for the Toronto Transit Commission. I provided at that time a partial answer and undertook to obtain additional information. I would like at this time to respond to those questions.

The contract was signed on November 8 and does include an escalation formula. An escalation formula would also have been included in any contract we would have entered into with Bombardier-MLW.

I would point out to the House that the proposals to build the streetcars submitted by Hawker Siddeley and by Bombardier-MLW each contained several qualifications. Among the qualifications were concerns related to the finalization of escalator clauses, methods of payment, clarification of the technical data, the ultimate weight of the cars, delivery of materials, and possible design changes. One of the items negotiated during recent weeks was the escalation formula, which had a considerable bearing on several of the other items under negotiation, such as the method of payment.

The final contract with Hawker Siddeley was contingent on the successful negotiation of the items which were qualified in their bid. I refer the hon. member to the letters between UTDC, the Toronto Transit Commission and myself, which were made public

at the time of the announcement that the government would request UTDC to award the contract to Hawker Siddeley Canada Limited. Those letters are dated July 7, July 13, and July 15, 1977.

At that time the president of UTDC, Mr. Foley, wrote to me indicating that there were a number of differences in the bid, but he also indicated his confidence that these items would be agreed upon or eliminated. From the time of the announcement until the contract was signed, these negotiations were intensively conducted.

I would add that it is the normal procedure flowing from the proposal bid to negotiate the details once a choice of contractor has been made. When the bids are received they are analysed. Attempts are made to iron out differences and difficulties. Then there is a zeroing in on the most likely candidates. Finally, a decision is made on which will receive the contract.

But that process does not mean that all the details have been negotiated at that time. In fact, it really launches the final stage which results in the signing of a contract. In this particular instance, after receiving the two proposals, UTDC met with both companies and analysed their bids. It was on the basis of this analysis that UTDC made the recommendation to award the contract to Bombardier-MLW. However, as the House is aware, the government requested that the contract go to Hawker Siddeley Canada Limited, subject to the successful negotiation of the outstanding points outlined in the bid.

The completion of these negotiations allowed the contract to be signed. In addition to the contracts, which I am tabling today, I have also received a copy of a letter from Mr. Foley advising the Toronto Transit Commission that with the signing of the contract, the force majeure has been lifted. Therefore, returning specifically to the questions of the hon. member, the escalation formula and the terms of payment are not the same as were outlined in the UTDC request for tender.

The changes flowed from the complete negotiating process extending back to the first submission of bids, well before we designated Hawker Siddeley as the contractor. Then end results are detailed in the contract.

With respect to whether the TTC has been guaranteed a fixed price, I want to clarify what I feel is a possible misunderstanding related to the purchase of the new streetcars by TTC. It must be appreciated that there

are two contracts involved, including not only the Hawker Siddeley contract, but also the other components which are necessary to produce the completed streetcars.

One, the Toronto Transit Commission has a contract with the Urban Transportation Development Corporation to be supplied with 196 completed streetcars. Six of these are the Swiss-assembled prototypes. The other 190 car bodies are to be constructed by Hawker Siddeley and assembled with UTDC-furnished equipment.

Two, the second contract is between UTDC and Hawker Siddeley Canada Limited. The UTDC-Hawker Siddeley contract represents 40 to 45 per cent of the total cost of the cars and is for constructing the bodies and the assembly. The remaining cost is contained in equipment such as motors, gear boxes, brake systems, door systems, and ventilation, et cetera, which UTDC supplies to complete the cars.

Escalation clauses are contained in each contract. In the TTC-UTDC contract, the price is established, as is the escalation formula. The contract indicates that in all sub-contracts, the escalation formula must be the same. If there is escalation in cost, the TTC must pay according to the formula in their contract with UTDC.

To summarize and speak specifically to the questions: (a) The TTC will pay escalator costs as outlined in the formula contained in the contract between the TTC and UTDC. The escalation is based on the total cost of the car; (b) I wish to assure the House that any cost related to the difference between the Hawker Siddeley and Bombardier-MLW bids will be paid by the government and not the TTC. This was confirmed in letters made public earlier.

To conclude, Mr. Speaker, I wish to assure the House that all matters relating to the UTDC-Hawker Siddeley Canada Limited contract were exhaustively negotiated between the parties and covered all aspects mentioned by the hon. member.

OBSERVANCE OF RULES

Mr. Speaker: Before we go any further in our proceedings this afternoon, I've just been informed by one of the attendants of this House, in his efforts to maintain decorum and to enforce the rules that apply to this assembly and its precincts, that one member of the press gallery refused to, and in a profane manner told the attendant what he could tell the Speaker to do with one of the rulings.

[2:15]

I want to inform the member of the press gallery right here and now that if he refuses to abide by the rulings and the rules that apply to all members of this House, that he either leave or we will forcefully eject him from the precincts. I want that clearly understood by all members of the press gallery.

Mr. Sargent: Cracking your whip there.

Hon. Mr. Snow: Don't worry, it's not that thick.

TRUCK WEIGHT REGULATIONS

Hon. Mr. Snow: Mr. Speaker, on July 8 last I advised this House of my ministry's activities with respect to improved axle and gross weight legislation for commercial motor vehicles.

I am pleased to inform you that after considerable study and consultation with members of the trucking industry, I am now today or will be at the appropriate time, introducing amendments to Ontario's vehicle weight legislation. This legislation, we feel, will greatly simplify the current complexity of our present legislation.

Since 1971 we have been using the very complex Ontario bridge formula to define maximum allowable vehicle weights. We are replacing this with a set of only 29 tables that define the maximum allowable gross vehicle weight depending upon the number of axles, the intervehicle unit distance, the base length and the front axle weight.

This new system will make enforcement of the legislation easier, reduce confusion in the courts and provide the trucking industry with a much simpler method to determine permitted vehicle weight.

The legislation introduces a new length limitation of 68 feet 10 inches, which is approximately 21 metres, replacing the present maximum allowable length of 65 feet. The western provinces already permit vehicles longer than the standard 65 feet under special permit and we have had representation from the trucking industry that operates through Ontario and western Canada to increase the permitted overall length.

Analysis of the increase in length has not disclosed any significant problem in regard to safety and/or operational characteristics of the vehicle. In fact, it has added some positive contributions to safety. A minor extension in overall length permits a greater spacing between vehicle units and therefore contributes to the safety and stability of the vehicle. Also, with pup trailers and the new liquid carrying trucks, this will lower their centre of gravity, again increasing the vehicle's stability.

Concern has been expressed by some members of the trucking industry about the possible loss of permitted weight by vehicles designed to the present Ontario bridge formula. To answer this concern we are introducing a grandfather arrangement for these vehicles.

If a trucker finds he will lose 1,000 pounds or more gross weight by using the new tables, he may apply for a special permit to carry the present load. The truckers may apply for this special permit up to July, 1978, and it will be valid for eight years until December 31, 1986.

In the preparation of this new and improved axle and gross weight legislation, my ministry has conducted an in-depth intensive study of the problem during the past three years. We have had excellent co-operation and discussions with the Ontario Trucking Association's vehicle weight committee and other industry associations. I wish to thank them for their assistance.

I am pleased to report that in our discussions, there was a clear acceptance by the trucking industry of the need to protect our roads and bridges. I'm sure that they welcome less complex and more enforceable axle and gross weight legislation.

NEWSPAPER REPORT

Mr. Stong: Had I been in my seat on Tuesday past, Mr. Speaker, instead of being required to visit the undertaker in Orillia, I would have gladly responded to the question of privilege raised by the Hon. Minister of Agriculture and Food (Mr. W. Newman) with respect to an article that appeared in one of the Toronto papers.

I have had an opportunity to check this matter out with the Clerk's office, and I am satisfied through my own research and from the office of the Clerk that there is no written rule that would prohibit a minister from introducing a private bill. However, I am instructed and I accept that the tradition of cabinet solidarity lends itself to an unwritten rule that no private bill can be introduced by a member of cabinet. In so far as I reported to the Toronto Star and used the word "present" in reference to the hon. member, I apologize to him for the embarrassment and the inconvenience caused thereby. However, I hasten to add that there is one salutary effect from that article and that is it has finally got that minister off the fence he has been sitting on, with respect to Georgina township, and no doubt his commitment to address the justice committee this afternoon will serve to enlighten all of us.

MINISTERIAL APOLOGY

Hon. B. Stephenson: Mr. Speaker, I rise on a point of personal privilege. It has come to my attention this morning that a radio hotliner in Windsor has been utilizing a piece of Hansard in a way which I think was perhaps inappropriate but certainly not intended on my part. On November 15 during the discussion of some problems related to the great metropolis of Windsor, there was an interjection on my part which the hon. leader of the third party spoke about later apparently. I would like to tell you that this remark was made not with any seriousness at all, but in the thrust and parry of facetiousness which so often overtakes this House during question period and at other times.

Interjection.

Hon. B. Stephenson: Mr. Speaker, I am terribly distressed that anyone would have thought that I was being serious at that point, and I am particularly distressed that a member of the media would spend the entire morning this morning stirring up the good people of Windsor with this kind of problem.

Mr. Lewis: I heard about that.

Interjections.

Hon. B. Stephenson: Mr. Speaker, if I have in any way offended the people of Windsor, amongst whom I number a great many of my best friends, I would apologize very abjectly. Thank you, Mr. Speaker.

Interjections.

Hon. Mr. Rhodes: Mr. Speaker, I apparently was mentioned too and I would like to apologize for nodding.

Interjection.

Mr. Lewis: Mr. Speaker, I put them both on the hook and I am pleased about it.

ORAL QUESTIONS

HYDRO CONTRACTS

Mr. S. Smith: If I may engage in some of the cut and thrust of facetiousness, I'll ask a question of the Minister of Energy which is guaranteed to produce more of the same. The hon. minister perhaps could reflect on this.

Referring to news reports that the ministry was frantically searching yesterday for some government authority or approval of Ontario Hydro's commencement in January 1974 of Bruce D heavy water plant, can the minister confirm reports that he feels that the Premier (Mr. Davis) somehow approved this plant by his statement to this House in 1973? If he is not using that as his so-called

approval, when does the minister claim that the government did approve of this plan?

An hon member: He nodded.

Hon. J. A. Taylor: Mr. Speaker, I am not aware of any frantic search going on yesterday afternoon; I was tied up in cabinet all day, as the member may or may not know. I do gather there was some confusion in connection with the appellation of the four plants. Apparently plants are built in groups, as I am sure the Leader of the Opposition knows. Plant A, as it was called, was built for AECL and subsequently turned over to Ontario Hydro. That was the first plant, and then you had plants B, C and D all in a row.

Mr. Lewis: Well done. Bravo.

Hon. J. A. Taylor: Can the members picture that? If they could expand their minds, they might be able to picture that.

Interjections.

Hon. J. A. Taylor: B, C and D in a row; C coming between A and D. Can the members conjure that up in their imagination?

Interjections.

Hon. J. A. Taylor: If numerically the same order was taken into account then you'd have: A would be plant one, B would be plant two, C would be plant three, and D would be plant four—

Interjections.

Hon. J. A. Taylor: —if the Leader of the Opposition is still with me on that. Apparently the cancellation of C confused the order of sequence. So really it was in the order A, B and D, so that D became the third plant and the referral to the fourth plant would be actually C, if it had gone ahead.

Mr. Lewis: Could you run through that again?

Hon. J. A. Taylor: I hope that explains somewhat, if not I'd be happy to take the member for Hamilton West aside and give him a lesson as a father to a son and probably pat him on the head in the process.

Mr. Breithaupt: Only this government can put D in front of C.

Mr. S. Smith: How do you follow an answer like that, Mr. Speaker? Am I taking it correctly, when I assume that the minister is suggesting that because the hon. Treasurer (Mr. McKeough) cancelled plant C, I think it was in 1975 or early 1976, in order to save money in the restraint program, that the Minister of Energy is now claiming the approval which was given to this particular plant D can now be assumed to really have been the approval given to C originally? And is he sug-

gesting that they cleverly anticipated at Hydro that the Treasurer was probably going to cancel C in 1976, so they went ahead and started building D in 1974, being clairvoyant enough to know that he was going to provide the cancellation of one of those plants a little later? Is that basically what you're telling me?

Hon. J. A. Taylor: No, that sounds more like *The Sound of Music*.

The project was approved in principle in 1973—as the Leader of the Opposition indicated in a statement in this House—by the Premier at the time the Ministry of Energy was set up.

Mr. Eakins: He is still the best you have got.

Mr. S. Smith: Supplementary, rather than pursue this. Is the minister aware that in the Premier's statement of 1973 there is no mention whatsoever of D, but in the Hydro report on the policy statement to which he refers, it's very clear that they're referring only to the construction of B? Is he aware that the Ontario Energy Board in the letter to the member for Chatham-Kent, August 26, 1974, makes it quite clear the board suggests that before committing the construction of a fourth heavy water plant at Bruce—and remember, A, B, and C had been approved by then—they should commission an independent review of heavy water supply and requirements by an agency external to Hydro? All this is long after January, 1974. Would you care to comment on that?

Hon. J. A. Taylor: Yes, I am aware of the whole procedure and catalogue of events. I think the Leader of the Opposition is still somewhat confused in that. But I appreciate the cat and mouse game he's playing.

Mr. Peterson: You are the rat.

Hon. J. A. Taylor: If he would care to communicate with me directly—and this is the only occasion when he asks questions, in the House; he never approached me except through the media or via the chairman of Hydro in the past—I would be delighted to take him through the process again.

Mr. Peterson: We have an hour every day when we ask questions.

Hon. J. A. Taylor: As a matter of fact I wish the Leader of the Opposition wouldn't keep dragging his feet in terms of the matter being dealt with by the select committee.

Mr. Martel: What happened to your equation?

Mr. Lewis: By way of supplementary—

Mr. Speaker: Final supplementary.

Mr. Lewis: —why doesn't the minister just admit to the House, because it doesn't hurt

from time to time to do so, that on Tuesday afternoon after the question had been asked, his ministry was in a positive turmoil, not to say a panic, to find out how this construction had proceeded in early 1974 when it was denied, or announced later on, Hydro clearly having overstepped the bounds again? Simply put: Why doesn't he fess up? It's time, in this Legislature.

Hon. J. A. Taylor: If it was in a turmoil I've only been acquainted with it now, and if I'd been there and not otherwise occupied I can assure the member it wouldn't have been in a turmoil.

[2:30]

ACTIVITIES OF RCMP AND MILITIA

Mr. S. Smith: A question, Mr. Speaker, for the Attorney General: Would the Attorney General explain to the House what seems to be an apparent reluctance on the part of the Crown in Ontario to lay charges against certain federal agencies, for instance the RCMP and the military as referred to in a couple of stories from yesterday's *Globe and Mail*, one about the alleged tapping of the phone of a lawyer, Mr. Ruby, and the other about the accosting of civilians by a group of uniformed so-called militia on school or other non-military grounds? Why are charges not being laid?

Hon. Mr. McMurtry: Mr. Speaker, I can assure the Leader of the Opposition that there is no reluctance on the part of anyone in my ministry to authorize or encourage the laying of charges when there is evidence of a breach of the Criminal Code.

In relation to the alleged wiretapping of a Toronto solicitor's phone, that obviously was a most regrettable incident, to put it mildly; but that, to my knowledge, occurred prior to the present legislation, the Protection of Privacy Act of 1974, so it occurred at a time when it was not a criminal offence.

In relation to the most recent reports of the activities of members of the militia, my local Crown attorneys' office at this very moment is reviewing the matter with representatives of the Metropolitan Toronto police department to determine whether charges should be laid.

Mr. S. Smith: I thank the Attorney General for his answer. By way of supplementary, regarding this militia matter, is the Attorney General not a little concerned, as I imagine most people would be, that it has taken so long for this internal military investigation to come up with answers; that the civilians who were allegedly accosted have not even been asked for their testimony; that a num-

ber of people apparently have been dealt with in a very shameful and aggressive manner, and yet nothing much seems to be happening? Why the delay?

Hon. Mr. McMurtry: At this moment I have only a very bare outline as to what was alleged to have occurred. I will inform the members of this House further when I have additional information. I don't know what delay there was. I really don't know any details of the particular incident other than what I've indicated, that the local Crown attorneys' office is meeting at this very moment, to my knowledge, with representatives of the Metropolitan Toronto police department to determine whether charges should be laid.

The thrust of the question would suggest that members of the militia unit may have been given some sort of unofficial form of immunity or that there was some problem in relation to proceeding with possible charges because of the fact that they are members of the militia. I can assure members of this Legislature that that fact should give them no immunity whatsoever and should not place them in any different position than any other citizen in this community.

Mrs. Campbell: Supplementary: Is the Attorney General aware of the fact that it is alleged the police have already advised the women involved, the victims of this incident, whatever it was, that the Crown was reluctant to take any steps in this matter? Could the Attorney General then tell us at what point the Crown changed its mind?

Hon. Mr. McMurtry: I am not aware of any reluctance on the part of the Crown and, if there was, what the basis of the reluctance was. I've certainly indicated already that I intend to pursue the matter to determine whether there was any reluctance that was motivated by any other factor than the question as to whether there had been a breach of the criminal law of this country.

Mrs. Campbell: Could I have one further supplementary, Mr. Speaker?

Mr. Speaker: Final supplementary.

Mrs. Campbell: Does the Attorney General not view this matter with a good deal of seriousness, having in mind the question I raised the other day regarding the whole training of lawyers in this province; and would he not look into that aspect of it, since that may be the reason why the Crown is not interested in pursuing the matter?

Hon. Mr. McMurtry: I can assure the members of this Legislature that that would not be a consideration. I find it very difficult

to equate the—agreed, unfortunate—incident that occurred at the bar admission course the other day when an instructor made some very stupid remarks—if the press reports are accurate, I must admit I find it difficult to consider that in the same context as to the possibility of criminal behaviour on the part of members of the militia of this country.

Mrs. Campbell: It is the Crown I'm talking about, and their attitude.

CHILDREN'S SERVICES

Mr. Lewis: I have a question of the Minister of Community and Social Services. Does the minister know whether or not the observations made by Judge Stewart Fisher in today's Globe and Mail about the continuing abject and dismal state of appropriate treatment facilities for young children in trouble, or adolescents in trouble, are shared generally by the juvenile court judges in the Province of Ontario? Are we any closer to a breakthrough in the provision of facilities in the province with the consolidation?

Hon. Mr. Norton: Mr. Speaker, I'm not sure that I can answer the first part of that question with any confidence as to how generally that view is shared. I can respond, I think, to the second part of that question more completely.

It's my understanding as well that fuller information had been made available at the time of the interview with my associate deputy minister which was not used in the course of the preparation of the story. But we have taken steps, up to this point, to meet the needs of those particular children who are especially difficult to place. These, I admit, are interim steps in terms of filling in for the period, or providing for them in the period when our more complete services will be available.

The steps we have taken, for example, are to establish a committee composed of the chief judge of the juvenile and family court, a representative of the Children's Aid Society and an interministerial representation from the government with the express purpose of receiving from judges and from agencies requests for assistance in the placement of especially difficult to place children such as the child, I believe, to which the judge was referring in the newspaper article.

We have provided, within our ministry, funds expressly for that purpose and have assisted in the special placement, in some cases a unique placement, not necessarily in an existing facility, for children who have been brought to our attention in that way. That's what my associate deputy was refer-

ring to when he said, or was quoted in the newspaper as having said, "they should have contacted us"—meaning, I think, the committee—because we have set up a mechanism for assisting with those particular children.

In addition to that, for those children such as this who are perhaps in need of security and treatment our plans are well advanced in a proposal for the establishment of a secure treatment facility for, again, a relatively small but especially difficult to treat group of children.

Mr. Lewis: When?

Hon. Mr. Norton: I will be in a position to make a specific announcement as to location, I hope, in the relatively near future.

Mr. Speaker: Will the hon. minister make his answer a little less verbose?

Hon. Mr. Norton: Mr. Speaker, with great respect, I do attempt to respond as fully as possible to the questions the opposition ask and I think this is a very important question. I'm trying to touch on various aspects of the question that the hon. member asked me.

Mr. Haggerty: Yes or no?

Mr. Speaker: It doesn't require a review of the entire policy of the ministry.

Hon. Mr. Norton: Mr. Speaker, with the greatest respect again—

Mr. Speaker: Order, please. I take it the question has been answered. Does the member for Scarborough West have a supplementary?

Mr. Peterson: The minister is boring the Speaker.

Mr. Sargent: Get the sword out.

Hon. Mr. Norton: Mr. Speaker, since you curtailed my opportunity to answer the question, I will abide by the Speaker's ruling.

Mr. Lewis: I want to ask a supplementary: Is it not true, although perhaps not widely known, that before the transfer to this ministry, a gentleman named Doug Finlay, in the children's mental health branch of the former Ministry of Health, was doing exactly the job the minister has talked about—a specific service for referral of difficult kids? Is the minister not saying in effect that nothing has changed with the consolidation, that kids are still going to Oakville, still going to training schools and that we haven't made any significant progress at all? How come? How has that happened?

Hon. Mr. Norton: If I have the opportunity to respond to the member's question—

An hon. member: Here we go again.

Hon. Mr. Norton: —yes, we have made progress; we have made substantial progress.

It is true, as the hon. member suggests, that Mr. Finlay was, prior to the amalgamation of children's services, trying to provide that specific service. We have continued that. The committee was established for that express purpose.

Where these kinds of situations develop and they are not brought to our attention, it is impossible for us to assist. We have tried to make the information available to the courts so they know that the service is available. Why it was not brought to our attention in this particular case, I simply don't know. But I can assure the hon. member that we are ready and willing to assist in these difficult situations.

Mr. Lewis: That is no way to handle it.

Mrs. Campbell: Supplementary: Would the minister agree with His Honour Judge Fisher, that children in the courts lack appropriate rights? Could we have an answer from the minister on that one?

Hon. Mr. Norton: As I am sure the hon. member is aware, we have in fact indicated that we recognize that there are areas in which the rights of children ought to be reviewed. I have also indicated recently to the hon. member that the package of law reform proposals, which we will be making available very shortly for the hon. members of this House and for public discussion, will address itself to that particular issue.

Mr. McClellan: Supplementary: May I ask the minister what concrete steps he is taking to make sure that family court judges are aware of the even limited service that the ministry is providing and what instructions he can give to family court judges, either directly or through the Attorney General, that children in need of mental health care are not directed into the training school system?

Hon. Mr. Norton: There has been extensive communication between my associate deputy and members of the bench and, as I pointed out earlier, the chief judge of the provincial court is himself a member of the committee. If there are any additional ways that we might attempt to communicate this—I don't know, for example, whether the chief judge or my associate deputy has expressly sent letters of instructions and requests to every judge in the province; I will find that out—

Mr. Lewis: They should.

Ms. Gigantes: It would be nice.

Hon. Mr. Norton: All right. If it has not been done, perhaps it should be done and I will see that it is. But I cannot be certain

at this point just how express the instructions or requests have been to the members of the bench.

PIPE PRODUCTION

Mr. Lewis: A question for the Premier: Can the Premier recount in some detail exactly what discussions he has had or what representations he has made on the question of the use of Canadian products and steel in the Alaskan pipeline?

Hon. Mr. Davis: Mr. Speaker, I believe the hon. member or one of his colleagues asked this, and I am in the process of getting as much information on that—

Mr. Reid: No, it was the member for Niagara Falls (Mr. Kerrio).

Hon. Mr. Davis: Oh, was it? I thought I got it really from both places; well, from whomever. I am in the process of getting as much up-to-date information as I can, and I will be delighted to share it with the members of the House. I may have it by tomorrow; it may be Monday or Tuesday.

[2:45]

Mr. Lewis: May I ask, sir, have we made a specific representation, since there seems to be the possibility of a fait accompli which would lose us that market at the moment?

Hon. Mr. Davis: Mr. Speaker, I don't know what one really means by a specific recommendation or request—

Mr. Lewis: Is the Premier fighting for it?

Hon. Mr. Davis: It has been well known by (a) the government of Canada and (b) some of the principals involved in the company that ultimately will construct that line that we in this province would like to see 99 per cent of the purchases made from Ontario companies. That information, that desire, has been known to them probably prior even to the hearings and the decision of the board.

Mr. S. Smith: Will the Premier associate himself with the letter which I directed yesterday to the Prime Minister of Canada on this very topic?

Hon. Mr. Davis: I am not sure what the Leader of the Opposition may have communicated to the Prime Minister of Canada. There are some things with which I might be associated and some things with which I might not be associated. But I can assure him that the Prime Minister of Canada has known for some time the interest of the people in Ontario, not just in Hamilton, with respect to the purchase of material for the pipeline from within Ontario.

I think, with great respect to the Prime Minister, he is well aware of it.

Mr. Swart: In view of the press reports that the Premier will be having dinner later today with the Prime Minister of Canada, would this matter be an appropriate item to discuss with him, in view of the fact that the Welland Tubes in Welland has been down now for a year with 400 people laid off?

Hon. Mr. Davis: I don't know what press reports the hon. member for Welland-Thorold has been reading. It is not my pleasure tonight to join the Prime Minister of Canada and the Prime Minister of Italy at dinner. I am actually having dinner with the former very distinguished member for that part of eastern Ontario which is still represented on the government side of the House, to which I am sure all members would be welcome in case they haven't been invited to the Prime Minister's dinner.

Mr. Speaker: That is really not an appropriate part of the answer.

Hon. Mr. Davis: I am sorry, Mr. Speaker. In other words, I am not going to the dinner tonight.

Mr. Sargent: What time? What time is it?

Mr. Kerrio: Is the Premier aware of a story in the Financial Post that says, "Hungry US Steel Industry Eyes Order for Pipeline," and that "the behind the scenes battle between Ottawa and Washington is brewing over who will supply the pipe"?

Now, my question to the Premier is—I am joining with him in wishing it is going to happen, that we will get the order in Ontario—what I am asking the Premier is, what are we going to do to bring the kind of forces to bear that will give us a greater guarantee that it will happen?

Mr. Martel: Get rid of Trudeau.

Mr. Kerrio: It's not going to happen—that order is going to go to the States if we don't do something about it.

Hon. Mr. McKeough: What nonsense. Nonsense.

Mr. Kerrio: And the Treasurer knows it, too. He knows it. The Treasurer and his free trade. If he knows something we don't, why doesn't he share it with? us

Hon. Mr. McKeough: Nonsense.

Hon. Mr. Davis: Mr. Speaker, in reply to a supplementary from the member for Victoria-Haliburton (Mr. Eakins), who suggested I should be having dinner with the Prime Minister tonight because it may be my last opportunity to have dinner with him as Prime Minister, I am interested to hear that point

of view. I love to see the party solidarity and loyalty that is exhibited across the House.

I would say in reply to the member for Niagara Falls, I haven't seen that specific article. I must confess I would be a little surprised—

Mr. Sargent: Darcy has. He has seen it.

Hon. Mr. Davis: —if certain American interests were not making some effort to sell steel. I'd be surprised, as I am sure the hon. member would be surprised, if they didn't. But my answer to him is the same as the answer I gave to him about five days ago.

Mr. Speaker: That's enough supplementaries on this question. A new question, the hon. member for York Centre.

CROWN ATTORNEYS

Mr. Stong: I have a question of the Attorney General. What steps has the Attorney General taken to resolve the conflict and unrest that is in existence among the Crown attorneys of the Metropolitan Toronto region as a result of the implementation of his program for decentralizing the Crown, and which unrest is apparently indicated with the effective mothballing of acting Crown attorney Peter Rickaby and the resignation from the position of Crown attorney by Mr. Affleck, the senior Crown attorney from the Oshawa-Whitby area?

Hon. Mr. Davis: Do you deal in communiques or do you send letters?

Mr. S. Smith: I think a letter.

Hon. Mr. McMurtry: I see about three or four questions in relation to that question. With respect to the unrest in the Metropolitan Toronto Crown attorney's office, I simply do not agree that that is the case. The suggestion that the Crown attorney has been put in mothballs couldn't be further from what is actually happening.

Mr. S. Smith: Very unhealthy.

Hon. Mr. McMurtry: The Crown attorney's office in Metropolitan Toronto represents a very substantial portion of the Crown attorney system in this province, as you know, Mr. Speaker. When I first started appearing in the courts, there were, I think, eight members in that Crown attorney's staff. There are now about 60.

The Crown attorney for the judicial district of York is a very major figure in the system, and in order for him to play a more important role than he has in the past with respect to the whole system, he is now performing very important functions in the ministry at 18 King Street East. His responsi-

bilities have broadened and will continue to broaden as a result.

The resignation of Mr. Bruce Affleck, of course, has nothing to do with the Crown attorney's office in the judicial district of York as he was the Crown attorney in another judicial district, as the member well knows. Correspondence I have from Mr. Affleck would indicate a very cordial relationship between Mr. Affleck and the Ministry of the Attorney General. As a matter of fact, I spoke at a dinner honouring Mr. Affleck not so many weeks ago in Oshawa.

One of the challenges—and I hope the Treasurer hears this—one of the challenges in maintaining good Crown attorneys within the system is that sometimes the private sector offers some very substantial monetary rewards. We do lose good lawyers from the government service from time to time as a result of that.

Mr. Conway: I thought you were going to tell us we were going to lose Darcy.

Hon. Mr. McKeough: On a point of order, I would just like to point out the Attorney General underestimates his own ability. That used to be the case. Since he became Attorney General, they're clamouring to work for him even at low pay.

Mr. Speaker: That's not a point of order.

Mr. Conway: Good to know you two are getting along now.

Mr. Stong: Supplementary: Mr. Speaker, I'm not sure whether the minister's disagreement arises out of lack of knowledge or otherwise, but I wonder if he would share with the House the criteria by which he has chosen his department heads, which criteria seem to be other than, and in addition to, years of service and competence in the job.

Hon. Mr. McMurtry: As the member knows, the Ministry of the Attorney General's estimates are currently in the House. I would think that this is a matter that I'd be pleased to discuss with the hon. member opposite during the course of my estimates.

USE OF MEDICAL DATA

Mr. Deans: I have a question for the Minister of Health. Under what conditions do institutions and agencies of the Ministry of Health make available the personal or medical records of patients or of citizens of Ontario to the police authorities?

Hon. Mr. Timbrell: There would have to be a court order, to the best of my knowledge. The only particular section or statute that comes to mind is the section in the Hospitals Act which indicates that the patient

would have to authorize someone to reveal the records. Otherwise, so far as I know, it would require a court order.

Mr. Deans: A supplementary question: Will the minister review within his ministry the directions or guidelines that are currently available to all of the institutions and agencies and place those before the Legislature, in order that we can determine how the agencies or the institutions come to the conclusion that they are, in fact, able to make available medical records?

Secondly, will he determine whether or not it is either standard practice or has been the practice within the institutions to make available to the police authorities the original records, thereby removing from the institution any record of the patient either having been there or any record of the medical or psychological condition that affected that patient during the stay?

Hon. Mr. Timbrell: I take it from the hon. member's choice of words that he is referring to psychiatric institutions rather than public hospitals?

Mr. Deans: I assume it is in everything.

Hon. Mr. Timbrell: I'll provide the information as it pertains to both provincial institutions as well as the public hospitals.

Mr. Deputy Speaker: With the permission of the House, the Chairman of Management Board has an announcement and an introduction.

VISITORS

Hon. Mr. Auld: Mr. Speaker, it is my pleasure to introduce to the House today a delegation of visitors who are in the Speaker's gallery. We have with us seven representatives of the American Council of Young Political Leaders. This delegation includes state legislators and administrators, all of whom under the age of 40.

Mr. Reid: That's much too young to be in politics.

Hon. Mr. Auld: The visitors are: the Hon. Samuel N. Kusic, State Senator from West Virginia; the Hon. Andrew Natsios, State Representative from Massachusetts; the Hon. David Volk, State Treasurer of South Dakota; Joe Farmer, the executive director of the American Council of Young Political Leaders; David Krieder, press secretary to United States Senator Patrick Leahy of Vermont; Kathleen Sullivan, assistant to Governor Brendan Byrne of New Jersey, and Rick Anderson.

HYDRO OBSERVERS IN HOUSE

Mr. Peterson: A question of the Minister of Energy: Is it true that Hydro has a chartered accountant attending on all the meetings in the House—for example, the public accounts meetings—when nothing to do with Hydro is being discussed? Are these people monitoring all of the other procedures of this Legislature?

Hon. J. A. Taylor: Not that I am aware of, Mr. Speaker, but I would be delighted to find out.

Mr. Peterson: Supplementary: When the minister is checking this out would he inform the House of what the obligations are about who reports to who; whether he reports to Hydro or whether Hydro reports to the minister through these various little minions who are running around watching his behaviour?

Hon. J. A. Taylor: Mr. Speaker, I will take that question as being simply facetious.

Mr. Reid: That is how we take the minister.

Mr. Peterson: On a point of personal privilege, Mr. Speaker, that is not a facetious question whatsoever. The minister doesn't know. He should know. He should find out, and if Hydro had any faith in him it wouldn't be doing it anyway. I am looking forward to a report from the minister.

Mr. Havrot: You are just being a smart aleck.

Hon. J. A. Taylor: The member is exhibiting infinite ignorance, as far as I am concerned.

Mr. Martel: I have a question—

Hon. Mr. Bernier: The new leader.

Mr. Lewis: He is not even wearing his vest, for heaven's sake. Leave him alone.

Mr. Martel: I haven't got my vest on today.

Hon. Mr. Bernier: Tory blue.

SUDBURY POLICE DISPUTE

Mr. Martel: A question of the Solicitor General: As a result of a visit by one of the police commissioners from Sudbury region to the minister's office recently, indicating that the problems between the police commission and the police association have not been resolved, is it his intention now to honour his commitment to come to Sudbury to try to help to resolve the situation?

Secondly, when the minister had an opportunity to replace one of the police commissioners, whom many feel is responsible

for the unrest that occurs there, why, in fact, did he reappoint that individual to another term in office?

[3:00]

Hon. Mr. MacBeth: Mr. Speaker, as my hon. friend for Sudbury East knows, this is a long-standing matter. I did undertake last session that we would send somebody from the Ontario Police Commission to Sudbury to try and pour some oil on troubled waters there. Some of the troubled waters I think have been caused by the personalities involved and the fact that they were going through some negotiations. But in any event, His Honour Judge Graham did go to Sudbury and worked out, I think, a reasonable compromise. I think there is reasonable harmony at the present time, and if some of the politicians both locals and provincial would keep out of the matter I think it would work out pretty well.

Mr. Martel: Supplementary, Mr. Speaker. Is the minister prepared to meet the requests of the region to him that they, in fact, appoint three of the councillors to the commission and the province only be allowed to appoint two of the commissioners?

Hon. Mr. MacBeth: From my experience, Mr. Speaker, that would only worsen the matter.

Mr. Martel: Supplementary?

Mr. Deputy Speaker: A final supplementary.

Mr. Martel: When the Solicitor General had an opportunity to replace a second member of that commission recently with someone suggested to him by the region, why did he take another party faithful? Why did he add to the police commission one Mr. Guy Raymond, recommended by the defeated Tory candidate Mr. Cosgrove who, it would appear to be now, is the patronage dispenser in the Sudbury area, as opposed to Red Pianosi and his group.

Hon. Mr. MacBeth: Mr. Speaker, all I can reply to that is that there has been some question whether the appointment that cabinet recently made was or was not a party faithful.

HIGHWAY 11 CONTRACTS

Mr. G. E. Smith: Mr. Speaker, I have a question of the Minister of Transportation and Communications. Keeping in mind the concern of local residents in Oro township for highway safety, the safety of the motoring public, could the minister indicate when he proposes to let the contract for phase two

of the realignment of Highway 11 from Barrie to Orillia, that is including the box-beam barriers and the fly-overs?

Hon. Mr. Snow: Mr. Speaker, I do not have the exact tender call date. The first contract was awarded early last spring and I believe is completed or nearly completed now.

The second stage which will take the dividing of Highway 11 through to Orillia will be awarded during this winter in order that the contractor may start first thing next spring. Then there are two further contracts to be awarded north of Orillia, between there and the Severn River in succeeding years.

STREETCAR CONTRACT

Mr. Mancini: Mr. Speaker, I have a question of the Minister of Transportation and Communications. Further to his report today to the House concerning the Hawker Siddeley contract. I wonder if the minister could advise the House if it is true that many of the technical people that will be employed by this firm are coming from England, and if so, how many?

Hon. Mr. Snow: Mr. Speaker, if it's true it is certainly something I know nothing about. As far as I know, the 1,000 or more residents of the city of Thunder Bay who are employed by Hawker Siddeley will be carrying out the contract for the construction of the streetcars the same as they are now carrying out the contract for the TTC subway cars—I think the last four of those cars are on the line now—and the double-decker GO Transit cars which are on the line now and which will be completed some time in 1978. The present employees will be carrying on with the streetcar contract.

Mr. Mancini: Supplementary: In view of the fact that I have been informed otherwise, I wonder if the minister could check into this subject and report back to the House?

Hon. Mr. Snow: Certainly I will inquire, Mr. Speaker, but I would draw to the member's attention that I am not in charge of the immigration policies of this country.

Mr. Breithaupt: That wasn't the question.

Hon. Mr. Snow: That was the question. The member asked whether the company were importing employees from England to carry out the contract. I can't guarantee that there isn't someone working in that plant who came from England or may come from England. I don't know, but I will certainly inquire.

PIPE PRODUCTION

Mr. Swart: I wanted to put a question to the Premier, but in view of his absence I'd like to put the question to the Minister of Industry and Tourism. Since the announced Inco layoffs and the softness in the metal industry, can the minister tell us what specific steps he has taken, if any, to provide jobs in the steel and pipe industries? And what measures is he proposing to the federal government relating specifically to the use of Canadian pipe in the pipeline?

Hon. Mr. Bennett: Mr. Speaker, the second portion of the question is one that was answered, I think, in rather explicit detail at the time of my estimates. It was a question that was placed by the member for Niagara Falls.

We have met—the Premier's office, my office, deputy ministers—with those in Ottawa responsible for the input towards the signing of the agreement for the pipeline. We have clearly indicated what we as Ontarians believe should be our participation in the making of pipe, both at the plant in Welland and in other steel mills or plants in Ontario.

There are some very great difficulties at this moment; it is not so simple as some would like to think in dealing with that type of a contract. First of all there has not been a firm determination as to the diameter of the pipe they are going to use, nor the pressure under which the gas will flow. Until those two items are determined it is rather impossible at this moment to say whether full production could be entertained in Canadian plants.

We believe technology could be introduced in some of the Canadian plants that could look after the making of pipe, regardless of the pressure, but some of that technology is not presently in place in the Ontario industry.

Mr. Swart: Supplementary: May I ask specifically what representation the minister has made to the government about limiting or preventing the importation of the pipe from other countries, not just from the United States, so we can secure the jobs for the people in this country?

Hon. Mr. Bennett: Mr. Speaker, it would be very kind of the federal government if they would provide that kind of assurance to the minister of this province, or indeed the minister of industry in any province across Canada. We made a very strong, solid input, both to the Prime Minister of Canada's office and to Mr. Horner, on two or three personal occasions when I've met with them. We have tried to secure, to the greatest degree

possible at this moment, that the pipe will be manufactured in this country from Canadian materials.

It is very simple to say that we can do it all here, but there are a great number of other trade-offs, I'm told, that are in the agreement that was signed for the pipeline. Those trade-offs will have to be reviewed and have to be looked at very carefully as to where Canadians will participate in the various phases of the building of that pipeline. I give assurance to this House and to all members, and to the people of this province, that this government has been heard by Mr. Horner and the Prime Minister as to our position on what we believe should be our participation as Canadians in the making of pipe for the pipeline.

Mr. Kerrio: Supplementary: The last time such a contract existed the Americans themselves were very disappointed that contract went to Japan. In view of the fact that the options are still open, is the minister not aware that Page-Hersey in Welland can build 48-inch or 54-inch, low pressure or high pressure pipe. There's 100 feet of it that they've run through their mill sitting right in their yard. There's no question about us having the ability to build that pipe in Welland, Ontario. The question I pose to the minister again—and I think it's a very significant question—does he not feel we should have been guaranteed a reasonable percentage of the production of that pipe in Canada, and does he not think we should bring all pressure to bear to make sure that happens?

Hon. Mr. Bennett: Mr. Speaker, I'm amazed at the remarks by the member for Niagara Falls. I would like to offer him the assurance that even though the government of this country happens to be of the Liberal Party and not of the party that I represent in this province, I give them full marks because their concern for the welfare of Canada and employment in Canada is as great as it is by any member in this House. My understanding has been that those who had an input to the contract tried to extract an assurance and a guarantee that that pipe would be manufactured in this country. But as I've said earlier, Mr. Speaker, there are a number of clauses in that agreement, that also had some other trade-offs.

We are given assurance by Mr. Horner and his people—and his deputy minister is, I think, one of the finest deputy ministers in the federal government—that they will continue to press in the negotiations that the pipe be made in this country. I realize that pipe is in Welland, and we've had that discussion with the hon. member before; just as long as we

keep clearly in mind there is some technology we do not at this point have in place in the production system of the province of Ontario.

Mr. Speaker: Order, please. At this time I will recognize the hon. Premier.

VISIT OF THE HON. GIULIO ANDREOTTI PRIME MINISTER OF ITALY

Hon. Mr. Davis: Mr. Speaker, it is my pleasure to introduce to the members of this House a very distinguished political leader. I really had thought we might have carried on with the question period for another 10 or 12 minutes so that our guest would be able to understand that politics in Ontario and the legislative process isn't too dissimilar to that with which he is familiar in his own home country.

Mr. Peterson: More restraint.

Hon. Mr. Davis: I'm not sure that there is more restraint.

But, Mr. Speaker, it is a pleasure to introduce to the members of the House the Prime Minister of Italy, Mr. Andreotti, who has been in political life since approximately 1948. My colleagues in the House will be delighted to know that he received some legal education, which is not necessarily a prerequisite to a successful political career.

Mr. Reid: It is something to fall back on.

Hon. Mr. Davis: For those in the gallery, who I know will be interested, and who I understand will be entertaining the visiting Italian press—and I should warn the Prime Minister that if he doesn't see the Italian press during the rest of the day, it will only be because of the hospitality of our own gallery—the Prime Minister was also a journalist. That is an interesting combination and one that—well no, I was going to say something that might be misunderstood, not by our guest but by members in the House.

I had the pleasure of sharing lunch with the Prime Minister of Italy along with the Prime Minister of Canada, and it was an opportunity for me to say to him, and to say to the ambassador, that while there are many Italian people throughout Canada, we in Ontario in particular appreciate the contribution that people from his country have made to Ontario, not just in a cultural sense and not just in an economic sense, but really in assisting in the diversity, the makeup and the mosaic of what we find here in our own province.

The Prime Minister asked me if I had visited Italy and how many communities I had visited, and I said, "Mr. Prime Minister, not only did I visit Italy but I intend to re-

turn sometime as Premier of the province of Ontario."

Mr. Reid: Do you know when the next election is.

Hon. Mr. Davis: I don't often mention my own staff, but on occasion I do. I related to the Prime Minister that for over 10 years I've had advice from a gentleman who happens to have the very onerous responsibility of conveying me from place to place. In our office he is known as the honorary mayor of Pescara. His family comes from that community in the central part of Italy.

The Prime Minister asked me whether I'd just been to Rome, and I said, "No, the people in Metropolitan Toronto and throughout Ontario organized my visit, and as a result I think I visited every small town, village and city in Italy; and of course enjoyed it." I pointed out to him that I had visited Pisticci and how some 4,000 to 5,000 people from that small Italian community are now residents of Metropolitan Toronto.

[3:15]

Mr. Speaker, it's a great honour to have the Prime Minister of Italy with us. It is one of the rare occasions that the Prime Minister of that country has visited Canada, although the present Prime Minister was here, as he described it, as a tourist in the early 1950s and he says there have been some changes. I said that some of the changes had been created by his former fellow countrymen.

On your behalf, **Mr. Speaker,** I say to the Prime Minister of Italy, welcome to our Legislature. I also welcome the ambassador and both of these gentlemen are accompanied by the Minister of Defence, **Mr. Danson,** who is here representing the government of Canada. On your behalf, **Mr. Speaker,** welcome to the Prime Minister of Italy.

Mr. S. Smith: **Mr. Speaker,** as Leader of the Opposition, I am delighted to associate myself with the warm remarks extended on our behalf by the Premier. I note that Italian governments have had something of a reputation over the post-war years for frequent changes, and I wonder if he can perhaps infect Ontario with a little of the same virus, because there seems to have been an astounding immunity in this province to this type of problem.

Although the wonderful Italian tongue is not one of the official languages of this Legislature, I hope I may be permitted, **Mr. Speaker,** to offer a few words of greeting in that language on this occasion.

Signor Presidente, nel nome del partito Liberale di Ontario, é il mio piacere ad augurar la benvenuto alla legislatura provinciali.

Spero che il suo soggiorno in Canada sarà piacevole produttiva e che pitonerà presto.

Thank you very much.

Mr. Lewis: **Mr. Speaker,** while acknowledging that bravura performance by the Leader of the Opposition, in the name of eloquent authenticity I will defer to my colleague from Downsview.

Mr. di Santo: Thank you, **Mr. Speaker.** I want to thank the leader of my party for deferring to me so that I have the honour of greeting the Premier of Italy, **Mr. Giulio Andreotti,** in Italian. I want to thank you, and through you the assembly, for allowing me to respond in Italian.

Signor Presidente, ho l'onore di rivolgere il benvenuto nella provincia dell'Ontario a name dell'N.D.P. il partito che per la prima volta nella storia di questa provincia ha eletto quattro deputati italo-canadesi, dando così una legittima rappresentanza alla numerosa comunità degli italo-canadesi ed agli altri cittadini che costituiscono il meraviglioso mosaico culturale dell'Ontario.

Per il parlamento dell'Ontario la sua visita rappresenta un alto onore poiché è la prima volta che il primo Ministro d'Italia visita questo parlamento, come pure, in segno di amicizia e di rispetto per l'Italia e per la sua persona, è la prima volta che la lingua Italiana viene usata in questa aula.

Noi oggi salutiamo in lei il rappresentante di un paese che ha dato al Canada un milione di lavoratori immigrati che hanno dato un grande contributo, allo sviluppo di questo paese e di questa grande provincia, come pure salutiamo in lei lo statista che in tempi di grandi difficoltà sta aiutando l'Italia a risolvere i suoi problemi.

Le auspico che il suo soggiorno sia fruttuoso, e che costituisca l'occasione per aiutare a risolvere i problemi dei lavoratori italo-canadesi, nello spirito di collaborazione che certamente non mancherà da parte della provincia dell'Ontario, dove sono sicuro che governo e opposizione agiranno in spirito di co-operazione al di sopra delle convenienze di parte.

Auspico che oltre al trattato bilaterale sulla sicurezza sociale tra Italia e Canada che lei firmerà oggi, la sua visita sia l'occasione, nel suo incontro con il Premier, **William Davis,** per porre inizio alla soluzione dei problemi della sicurezza sul lavoro e degli invalidi sul lavoro che rientrano in Italia, come pure auspico che nel corso della sua visita abbia l'opportunità di esaminare i problemi dei titoli professionali, delle qualifiche di lavoro, dei ritardi di pagamento di pensioni, delle pensioni CEE, del servizio militare, dei problemi commerciali, del ricongiungimento

delle famiglie degli immigrati, e i molti altri problemi che sono sicuro le verranno portati a conoscenza dalla reale comunità Italo-canadese—la massa come lei l'ha definita ieri sera—negli incontri pubblici che lei certamente avca'.

Di nuovo, Signor Presidente, benvenuto e buon lavoro.

Thank you.

ORAL QUESTIONS

(continued)

OHC OCCUPANCY POLICY

Mrs. Campbell: Mr. Speaker, I suppose at this time I should preface my remarks by saying "Io non parlo Italiano."

My question is to the Minister of Housing: Would the minister explain to this House what the present policy is in his housing ministry in that he is removing people, or seeking to evict people, who have been eligibly living in housing, in some cases for eight to 10 years? Is it because of the failure of the ministry to produce adequate housing and the desire to keep the list moving around?

Hon. Mr. Rhodes: The answer to the last part of the question, Mr. Speaker, is obviously no. Unless the hon. member can be more specific, I would have to respond by saying that any person who may be being evicted from OHC units would be for due and just cause, but certainly not for the purposes of moving the list around.

Mrs. Campbell: Mr. Speaker, supplementary: Would the minister like me to send him an entire list of the people, only in the riding of St. George, who have been given notice to vacate although they are eligible? In one case in particular a woman was eligible for eight years and has lived there eight years. No circumstances have changed but now they require her apartment. Why, is what I want to know? Will the minister look into this if I give him the list of names?

Hon. Mr. Rhodes: Mr. Speaker, certainly if the hon. member would like to send me the list of names we will look into it. But I draw to the hon. member's attention, and in fact I do so recognizing that she is well aware of the fact, that Ontario Housing Corporation as a landlord is subject to the Landlord and Tenant Act, just as any other landlord is. If evictions are taking place I am reasonably satisfied, and I certainly will satisfy myself more so, that they are being done within the terms of that Act. If there are evictions taking place I believe we will

determine that they are being done quite properly.

Mrs. Campbell: I have advised them to abide by the legislation and to see that the minister does as well, and not to get out just because of his notices.

Hon. Mr. Rhodes: Mr. Speaker, to respond just briefly: It is not my intention, nor is it to the best of my knowledge the intention of any of the people in Ontario Housing Corporation, to evict people from units who do not deserve to be evicted.

GARFELLA INVESTMENTS

Mr. Philip: A question of the Attorney General: Is the minister aware of the operations of a company known as Garfella Investments which is selling a building at 10 Garfella Drive in Rexdale through a real estate firm under the name of N. S. Mitro Limited? And is he aware of the process being used for the sale and being advertised is, "an undivided percentage interest in the whole of the ownership of the property, together with a designation of the vacant apartment to the purchaser"?

If so, would the minister look into whether or not the company is operating in a legal manner, as Garfella Investments are not registered or known by the Ontario Securities Commission?

Hon. Mr. McMurtry: Mr. Speaker, I am pleased to look into this matter. I am not aware of the matter; perhaps it is something I should discuss with my colleague, the Minister of Consumer and Commercial Relations (Mr. Grossman).

Mr. Philip: Supplementary: Mr. Speaker: Would the minister, when he is looking into that, also look into the statements made by Mr. Nick Mitro who, referring to tenants who can't afford to buy or don't feel that it is a particularly good investment, stated, and I quote: "They will have to move out"? This is in spite of the fact that he says that what is for sale are percentage interests in the building and not apartments.

Would the minister investigate whether or not Garfella Investments is violating the Landlord and Tenant Act?

Hon. Mr. McMurtry: Yes, Mr. Speaker.

Mr. Philip: One last supplementary, Mr. Speaker: Would the minister also, then, take the advice of the mayor of the borough of Etobicoke, who has asked the government, in the case that this kind of sale is legal, to develop the appropriate legislation to plug this kind of attempt to get around the condominium conversion bylaws and sell

what amounts to a condominium conversion under a different name?

Hon. Mr. McMurtry: Mr. Speaker, I will be pleased to take that into consideration.

LAND CLEARING PROGRAM

Mr. Reid: Mr. Speaker, I have a question of the Minister of Northern Affairs. Has the minister involved himself in the request by the Rainy River, Ontario, Farm Organization for a land clearing project in the Rainy River district to provide jobs and more arable land?

Hon. Mr. Bernier: Yes, Mr. Speaker. I can report to the hon. member that we have had some preliminary discussions. I, in turn, had some further discussions with my colleague, the Minister of Agriculture and Food (Mr. W. Newman). The program, as the member points out, is an excellent one. However, because of constraints and a shortage of funds at this time, the program has been shelved for the time being.

Mr. Reid: I wonder if I could ask a supplementary. Has the minister, along with his colleague the Minister of Agriculture and Food, tried to get DREE funds for this project? Has he approached the federal government in this regard?

Hon. Mr. Bernier: Yes, Mr. Speaker. I believe those discussions are a part of an overall package. We will certainly be reviewing the possibility of getting on with the program in the near future.

DAY CARE

Mr. McClellan: A question for the Minister of Community and Social Services, Mr. Speaker, with respect to the article in this morning's *Globe and Mail* on the \$2.6 million cut from this year's operating day-care budget:

In view of the fact that these kinds of unspent day care operating funds over the last two fiscal years now add up to \$7.3 million, may I ask him to restore these moneys to the day care budget and to establish a fully-funded provincial day care subsidization program which would end the current humiliating and degrading day care subsidization program which is such an onerous burden, both on municipalities and on day care recipients?

[3:30]

Hon. Mr. Norton: Mr. Speaker, I'll try not to engage in light rhetoric in responding to the hon. member.

Mr. Laughren: You'd lose anyway.

Hon. Mr. Norton: I think there's some confusion in the way the matter is presented in the article. The funds were not lost in any sense, as I explained during my recent defence of the estimates of the ministry. They are funds which, according to the rate at which expenditure was taking place through the municipalities, would not be expended by the end of this year. But it does not mean, for example, even if those funds are not expended, that in fact there would be any absolute reduction in the amount spent.

Mr. Lewis: This is not an answer to the question.

Mr. Laughren: Answer the question.

Hon. Mr. Norton: I point out that in 1976-77 our ministry spent \$24,733,000 in this program, and in the current fiscal year we will spend in excess of \$31 million, which is about a 25 per cent increase. That is our forecast of expenditures by the end of this year.

Ms. Gigantes: He won't spend that. He will save that and put it in the kitty.

Mr. McClellan: He put \$7 million back in the Treasury.

Hon. Mr. Norton: I would point out that there is not any point in my reinstating those funds this year, even if it were possible. The only reason they have been constrained at this point is that they were not going to be expended by the end of this year; the system was not currently able to absorb them.

Mr. McClellan: You are killing day care in Ontario.

Hon. Mr. Norton: No, you are. Keep on the way you are going and you will.

Ms. Gigantes: Supplementary; Mr. Speaker, I'd like to know if the minister thinks that there is no useful way to expend that money within the day-care program in 1978. Why will he not take up the specific suggestion of my colleague from Bellwoods to put that into the degree of subsidy available to families in the day-care program in Ontario?

Mr. Eaton: Spend, spend, that's all you want to do over there.

Hon. Mr. Norton: I would point out that the degree of subsidy to families who are in receipt of the service in this province at the present time is very substantial—

Ms. Gigantes: People are cut off.

Hon. Mr. Norton: If the hon. member wishes to present a particular blueprint and proposal, then I will respond to the specifics.

Mr. Lewis: Bring back Jim Taylor, for God's sake.

Ms. Gigantes: How come 10 per cent were cut off this year?

Mr. Speaker: That's enough supplementaries on that one. We've got one minute left. The hon. member for Grey-Bruce with a short question in one minute.

Mr. Sargent: Mr. Speaker, you should be watching the Ottawa proceedings. The Speaker down there gives lots of laxity on questions.

Hon. Mr. Rhodes: Lots of laxative.

OHTB BUS LICENCE

Mr. Sargent: Mr. Speaker, a question to the Minister of Transportation and Communications: I would like the minister to tell me why, every time Mr. Goodman brings a deal to sell a bill of goods to cabinet, they invariably buy it. It's an insulting thing to me as a taxpayer, sir, when the Greyhound deal is a fait accompli, that the minister still says it's coming before cabinet before it goes back to the Highway Transport Board. Why have Greyhound launched on a—

Mr. Speaker: The oral question period has expired.

Hon. B. Stephenson: So has Eddie Sargent.

Mr. Sargent: It is a \$10-million deal, Mr. Speaker, and you let it go like that.

Mr. Speaker: You can ask it tomorrow.

Mr. Warner: Mr. Speaker, I seek your advice. Having tabled a question on November 3, according to the standing orders I should have received some response within 14 days. That not having occurred, could you guide me as to what shall proceed from here?

Hon. Mr. Welch: What number is it?

Mr. Speaker: Could you identify it by number?

Hon. Mr. McKeough: Resign.

Mr. Warner: The Treasurer may want to resign, but the questions were numbered 30 and 34.

Hon. Mr. Welch: Mr. Speaker, they are being tabled today.

Mr. Samis: Just under the wire.

REPORTS

STANDING PUBLIC ACCOUNTS COMMITTEE

Mr. Reid from the standing public accounts committee presented the committee's report which was read as follows and adopted:

Your committee begs to report the following bill with certain amendments:

Bill 43, An Act to revise the Audit Act.

STANDING ADMINISTRATION OF JUSTICE COMMITTEE

Mr. Philip from the standing administration of justice committee presented the committee's report which was read as follows and adopted:

Your committee begs to report the following bills without amendment:

Bill Pr25, An Act respecting the City of Sarnia.

Bill Pr 34, An Act respecting the City of Sarnia.

Your committee begs to report the following bills with certain amendments:

Bill Pr8, An Act respecting the City of Burlington.

Bill Pr17, An Act respecting the City of Kitchener.

Your committee recommends the following bill be not reported:

Bill Pr13, An Act respecting Sudbury Young Women's Christian Association.

STANDING GENERAL GOVERNMENT COMMITTEE

Mr. Gaunt from the standing general government committee reported the following resolution:

Resolved: That supply in the following amounts to defray the expenses of the Management Board be granted to Her Majesty for the fiscal year ending March 31, 1978.

Management Board

Ministry administration program	\$80,661,000
Policy development and analysis program	4,804,000
Management audit program	654,000
Employee relations program	759,000
Government personnel services program	217,000

Further resolved: That supply in the following amounts to defray the expenses of the Office of the Assembly be granted to Her Majesty for the fiscal year ending March 31, 1978.

Office of the Assembly

Office of the Assembly	\$14,621,500
------------------------	--------------

MOTION

SUPPLEMENTARY ESTIMATES

Hon. Mr. Welch moved that supplementary estimates for the following ministries be refer-

red to the following standing committees for consideration within the time already allocated to the consideration of estimates:

To the resources development committee—the Ministry of Northern Affairs, the Ministry of the Environment and the Ministry of Natural Resources;

To the social development committee—the Ministry of Culture and Recreation and the Ministry of Education;

To the general government committee—the Ministry of Treasury, Economics and Intergovernmental Affairs.

Motion agreed to.

BUSINESS OF THE HOUSE

Hon. Mr. Welch moved that private members' public business which had been previously ordered for Thursday, November 24, be ordered for consideration at 8 p.m. on Tuesday, November 22, and government business will be considered on the afternoon of Thursday, November 24.

Motion agreed to.

Mr. Speaker: While we are on the subject I feel I should inform the House of a difficulty which occurred, probably through an inadvertent lack of communication, in one of the standing committees. I realize, of course, that negotiations and consultations through the usual channels must take place to effectively regulate the business of the House. However, I was distressed to learn that the standing committee on general government had exceeded the time allocated to it for debate on the estimates of the Management Board of Cabinet without an order of the House authorizing this extension of time.

I must caution those concerned that the order of the House allocating time takes precedence, naturally, over negotiations. It is, of course, open to the government House leader at any time to move a motion altering the times allocated for consideration of estimates. I feel if we adhere to a rather strict interpretation of the time allocations, it will avert any misunderstanding which might arise in the future and I know a precedent will not be constituted by the occurrences of Tuesday night and Thursday.

Mr. Gaunt: Mr. Speaker, if I may just give a word of explanation as chairman of the general government committee.

On Tuesday last, the member for Sudbury East (Mr. Martel) came to me and indicated that the House leaders had reached an agreement to add two hours to Management Board and to deduct two hours from the Office of the Assembly estimates. He inquired of me

if I had any objection and I indicated to him that I didn't have any objection under those circumstances. It was not until the committee commenced yesterday that I was informed the motion that should have been put in order to accomplish the agreement that had previously been reached, wasn't put.

I apologize to the House for that, but it was inadvertent and unintentional. I hope the House gives our committee retroactive sanctions so that our work yesterday won't be in vain.

Mr. Breithaupt: Perhaps it would be worthwhile to speak to this particular matter only with respect to the timings that have been chosen by the ballot system that is now in effect.

I hope the House will realize that this is really the first opportunity we have had to go through the whole term of estimates under the hours as allocated. As a result, no doubt we will see certain estimates for which somewhat more time might have been given and others which are going to be a bit short of time in the interests of the members of the House. We will certainly attempt in the next session to sort out the hours as assessed to the particular ministries so that we can benefit those which require a bit more time, now that we have had that experience.

Mr. Speaker: I thought it incumbent upon the Chair to draw to the attention of the House the proper way of doing things.

Mr. Lewis: I wish we'd get the business of the House back into the House leader's hands again.

Mr. Martel: I might apologize, then, Mr. Speaker. In order that we not set a precedent, I was asked to negotiate the change. I approached the House leader for the government and the chairman of the committee and asked for the change at the request of the party. I too don't want to set a precedent. Therefore, I think you would have concurrence in the assurance of the House that there is no precedent being set. If it need be moved retroactively, we would be prepared to move it.

INTRODUCTION OF BILLS

HIGHWAY TRAFFIC AMENDMENT ACT

Hon. Mr. Snow moved first reading of Bill 107, An Act to amend the Highway Traffic Act.

Motion agreed to.

Hon. Mr. Snow: This is the bill I referred to in my statement at the opening of the House. I think that fully explains it.

CONDOMINIUM AMENDMENT ACT

Mr. Leluk moved first reading of Bill 108, An Act to amend the Condominium Act.

Motion agreed to.

Mr. Leluk: The purpose of this bill is to give priority to the lien that a condominium corporation holds against a condominium unit when a unit owner defaults on the payment of common expenses.

EMPLOYMENT STANDARDS AMENDMENT ACT

Mr. Mackenzie moved first reading of Bill 106, An Act to amend the Employment Standards Act, 1974.

Motion agreed to.

Mr. Mackenzie: The purpose of this bill is to reduce the standard work week from 48 hours to 40 hours and to require employers to pay overtime rates for work done in excess of 40 hours per week rather than the 44 hours at present.

[3:45]

Hon. Mr. Welch: Mr. Speaker, this could be the point just to draw the House's attention to the fact that, with respect to the motion that was carried by the House, this bill will be one of the bills that will be debated on Tuesday evening next as part of the private members' hours. I think it's been filed today in its printed form in order to expedite consideration by the House.

ANSWERS TO WRITTEN QUESTIONS

Hon. Mr. Welch: Mr. Speaker, before the orders of the day, I wish to table the answers to questions 32, 33, 34, 35 and 36, standing on the notice paper. (See appendix, page 1974.)

ORDERS OF THE DAY

PRIVATE MEMBERS' BUSINESS

TOXIC AND HAZARDOUS SUBSTANCES ACT

Mr. Lewis: Mr. Speaker, it is my understanding that that is not the bill that will be debated at this point time.

Hon. Mr. Welch: The resolution standing in Mr. di Santo's name.

Mr. Lewis: There's a resolution standing in the name of the member for Downsview (Mr. di Santo), which, with unanimous consent of the House, we would wish to proceed with, and my name has been dropped from the list.

Mr. Speaker: There again I think it's incumbent upon the Chair to draw attention to the fact that by order of the House, Thursday afternoon is set aside for the conduct of private members' public business and is not available to the government for conduct of its business. I feel I should draw to the attention of the House that any alteration of the business of the House for today will require the unanimous consent of the House. Whether or not that is forthcoming, I do not wish to attempt to influence members in one way or another.

I feel that in future, any alteration of the balloted list ought to be given careful consideration. It is an important safeguard for hon. members to gain legislative time for debate on their items of business. I fully understand that negotiations must, of course, take place from time to time, but I hope this will not become a practice, otherwise the balloted list will become quite meaningless.

I will therefore put the question: Is there unanimous consent to alter the order of business for this afternoon, as indicated by the government House leader? Do we have unanimous consent?

Agreed.

PROPERTY TAX EXEMPTION FOR ELDERLY AND DISABLED PERSONS

Mr. di Santo moved private member's motion No. 9:

Resolution: That in the opinion of this House, the Government should give immediate consideration to legislation which would exempt from school board levies the residential property owned and occupied by: 1. persons 65 years and over, in accordance with its election commitment in the "charter of Ontario" "to reduce the municipal tax burden on senior citizens"; 2. persons on disability pensions.

Mr. di Santo: Mr. Speaker, this is the second time I have moved this motion. The last time we debated my motion was on April 26, 1976. That motion was somehow broader than the one we are debating today. We asked at that time, with the member for Beaches-Woodbine (Ms. Bryden), that the government finally undertake a review of the tax system in Ontario. At that time as well as today, we are faced with increasing property taxes—and not only that, but with a very serious situation for the municipal governments and boards of education, since the provincial government is constantly reducing grants to both levels of government.

The answer of the government at that time was negative, as it has been negative since 1966 when the Smith report was tabled, a report which asked that the government set up a select committee which would work out a fairer system of taxes for the people of Ontario. Then the election came and in the now famous or infamous charter for Ontario, point four, the government made a commitment, one of many commitments made before the election.

Mr. Conway: It's not worth the paper it was written on.

Mr. di Santo: The paper was quite expensive, in fact, and I think that many of the commitments have already been dismissed by this government.

Mr. Samis: Like the federal Liberal promises of 1974.

Mr. di Santo: The government said, "The government makes a commitment to reduce the municipal tax burden on senior citizens and to work towards the ultimate elimination of this particular tax for the majority of Ontario senior citizens."

I think that not too many people on both sides of this House are confident that the government will finally face this serious problem. In an extreme attempt to have the government take some action in this area which is becoming really serious for many thousands of citizens, especially citizens in our province, I moved the motion that we are debating today, which is directed only to the education taxes and only to the senior citizens and people on disability pensions.

The reason is that I think that the government doesn't want to change the tax system in this province. Everybody recognizes that the present tax system is inequitable, yet the government is taking its time and is postponing any kind of reform. Last year we had the Blair commission but the government is not ready to introduce any legislation as a result of that commission because we know what that implies for the government.

My party and I are convinced that we should have an equitable and progressive tax system in this province. We will never have that under the Conservative government.

Mr. Samis: Nor the Liberals.

Mr. di Santo: But since there will not be a property tax reform in the province until circumstances allow the government to impose it on the people of Ontario the same way it did with regional government, then I am proposing to the House—and I hope that there will be consensus on both sides of the House—that at least we look at the situation, at the predicament in which the senior citizens find themselves.

The present tax system is regressive but what is more serious, I think, is that it hits more of those people who can least afford to pay. In the last seven years, the increase in property taxes has been amazing. Since 1973, the tax in Metropolitan Toronto, in the public school system, has increased from \$475.40 to \$721.60 in three years.

Mr. Maeck: How much did wages go up? How much did salaries go up?

Mr. Conway: I can hardly afford my house.

Mr. Samis: Much less.

Mr. Laughren: For senior citizens, do you mean? Not very much. It is directed to senior citizens. Smarten up.

Mr. di Santo: I know that it's hard for members on that side of the House to understand. I'm talking of the senior citizens whose pensions have been increased by \$30 in the same time.

Mr. Laughren: Thanks to the federal Liberals.

Mr. di Santo: By the way, last week by scheduling the GAINS to take full effect after 40 years, this government is reducing even more the supplements for the senior citizens. For an average house with an assessed rate of \$5,000, the increase has been from 95.8 to 144.32 mills, which is almost 50 per cent in four years. The reason, as we know, is that the provincial government is constantly reducing the grants to the municipalities and the school boards.

While in 1975 in Metropolitan Toronto the grants of the province amounted to 35 per cent of the Metro school budget, in 1977 the grants have been reduced to 25 per cent. Since schools must operate, then the only easy way out for the boards of education is to go to the home owners and tax them by increasing property taxes. I think that is a situation which is becoming really dangerous. By not taking any action in this specific area, this government is really creating a reign of terror. I wouldn't be surprised if citizens revolt at one point because they cannot bear any more to pay such high taxes.

Today in the daily newspapers in Toronto we have two articles about taxes in Ontario. One comes from the Metropolitan Toronto council. The Metro chairman said perhaps next year they will need a 10.5 per cent increase in property taxes. The other comes from the president of the Ontario Secondary School Teachers' Federation who states that municipal property taxes could rise as much as 30 per cent because of cutbacks in provincial grants to Ontario school boards.

If that happens, we will be faced with a situation that will be absolutely intolerable for the senior citizens of the province of Ontario and for those people on disability pensions, especially those on Workmen's Compensation Board pensions whose benefits have not been increased since July 1975. They will find themselves in a situation where they won't be able to pay their property taxes and will be forced out of their houses.

This resolution is not a partisan one because, as I said before, it is very limited in scope. I really hope from every sector of this House there will be consensus and support.

Mr. Conway: It is like the charter itself.

Mr. Samis: Blasphemy.

Mr. di Santo: It's like the charter itself, and that was the reason I introduced my motion. I don't trust the Tory government because it always makes promises but very rarely carries them out.

Mr. Conway: That's not true. They appointed the member for Elgin (Mr. McNeil) as parliamentary secretary to the Minister of Agriculture and Food (Mr. W. Newman).

[4:00]

Mr. di Santo: I'd like to bring to the attention of the House that there are other jurisdictions in Canada where property taxes are paid out of the general treasury. Nova Scotia was the last province two years ago. It joined Alberta, New Brunswick and Prince Edward Island. You certainly know, Mr. Speaker, in the province of Manitoba, the entire municipal financing system is being reformed and 2.2 per cent of the personal income tax—

Mr. Ruston: What happened to that government?

Mr. Maeck: What happened to that government? Tell us about that.

Mr. di Santo: —and one per cent of corporate taxes are devoted to municipalities and school boards.

Mr. Samis: Sterling Lyon supported that.

Mr. di Santo: The new government of Manitoba, the Conservative government, is supporting the same legislation. In the province of British Columbia, the new Socred government, adopting progressive legislation worked out by the New Democratic government has introduced Bill 58, A Revenue Sharing Act, in which they found a new formula for financing municipalities and school boards. On the basis of this formula, they give one income tax point, one corporation income tax point and six per cent of renewable

resources, non-renewable resources, and sales tax revenues to municipal and regional district grants. In Ontario, Mr. Speaker, we are still dealing with the market value assessment. We have been dealing with that for years and the government is unable to make any decision whatsoever because they don't know where to go. They don't want to touch the existing interests and in the meantime they are making life impossible for senior citizens, people on low incomes, people on fixed incomes and disabled people with a pension.

I would like to bring to the attention of the House, Mr. Speaker, if the government of Ontario adopted legislation exempting senior citizens from paying property taxes, the Treasury of Ontario wouldn't suffer too much. Actually, the burden would be more equally distributed among those people who can afford to pay, making life more bearable for people who cannot afford to do that. In fact, Mr. Speaker, if we reverted to income tax and to taxes on corporations as well as unincorporated businesses, I think the province of Ontario won't suffer that much.

In 1977, the percentage of the income tax in each province of Canada was: Newfoundland, 58 per cent; Prince Edward Island, 50 per cent; Nova Scotia, 52.5 per cent; New Brunswick 55.52 per cent; Quebec, 72.03 per cent; Ontario, 44 per cent; Manitoba, 56.045 per cent; Saskatchewan, 58.5 per cent; Alberta, 38.5 per cent; British Columbia, 46 per cent. Ontario is the second lowest province in Canada and we know it is the richest province in Canada. If we cannot afford to do that, how can the province of Manitoba afford to? Why can Newfoundland, Nova Scotia and Prince Edward Island do it.

Mr. Speaker, education is a public service as well as the right of the citizens of this province and the education system should be financed publicly by the Treasury of this province.

Since this idea is not accepted by the majority of this House, I think at least we should try to reduce the inequities within the system. In fact, property taxation was originally based on the sensible proposition at that time, 100 years ago, that those who benefit should pay. In simpler times, when local governments spent most of their money on such services as roads, sewers, fire protection and garbage collection, there were few complaints, because they were responding to a need and the taxes were paid by the people who were benefiting from them.

But if we look today at school taxes, we will see that people who are 65 or over,

people who are pensioners, are really paying for a service from which they are not benefiting. This is the rationale for my motion. I say since they are not getting a service why don't we exempt them from paying a tax? This stems from the pure, simple, basic small 'l' liberal philosophy on which the property tax system was based.

Mr. Conway: Great thing.

Mr. Ashe: Did he say vote Liberal?

Mr. di Santo: I think there should be a consensus on both sides of the House.

Mr. Conway: This sounds like NDP policy.

Mr. di Santo: It isn't NDP policy, it is only common sense. We had, in Ontario in 1973, 145,700 people who were tenants; and we had 117,512 people who were pensioners and home owners with an income below \$6,000. That was in 1973, the last year for which statistics are available. People with an income below \$6,000 constitute 78.5 per cent—

Mr. Acting Speaker: The member has one more minute.

Mr. di Santo: —constitute 78.5 per cent of all the pensioner home owners. I think if this motion is accepted we will relieve the majority of low-income people from paying a tax they cannot afford. Also we will allow them use of a home for which they have been working all their lives. Thank you very much, Mr. Speaker.

Mr. Ashe: Thank you, Mr. Speaker. I wish to thank the member for Downsview for placing this resolution on the order paper. This is a valiant opportunity to reaffirm in this House our commitment to the elderly, contained in the charter for Ontario.

Mr. Samis: Said with a straight face.

Mr. Ashe: It is, and I quote—

Mr. Conway: Two trees for everyone.

Mr. Acting Speaker: Order, please.

Mr. Ashe: —“A commitment to reducing the municipal tax burden on senior citizens and to work towards the ultimate elimination of this particular tax for the majority of Ontario's senior citizens.” Precise methods with which this goal is to be accomplished are currently under our review. The Treasurer (Mr. McKeough) will be carefully weighing the merits of the alternative ways to achieve this commitment as he prepares for the forthcoming budget.

Mr. Samis: Wriggling out of it already.

Mr. Ashe: I would like to take this opportunity to recall to your attention some of the considerations which will shape the precise

method by which this extra tax relief is to be delivered. Ontario's program of property tax relief for the elderly is one of the success stories of the Ontario government in the past decade. The introduction of the Ontario Tax Credit system in 1972—

Mr. Villeneuve: Yes, we never hear about that.

Interjections.

Mr. Ashe: Listen, you might learn something across there.

The Ontario Tax Credit system provides property tax relief for all householders in the province on the basis of ability to pay—and I stress the ability to pay taxes.

Put most simply, this means that those households in the province with the least ability to pay taxes, whether because of income or family circumstances, have received the most relief from property taxes. For the second year of operation of the Ontario tax credit system, in 1973 a pensioner tax credit, which is now \$110, was introduced in recognition of the extra burden of property taxes borne by the elderly.

This tax credit replaced and extended the existing selective program of Ontario property tax relief to recipients of the guaranteed income supplement which had been in existence up until that time.

In the spring of 1977—this is current history—Ontario pensioners received total Ontario tax credit relief to the amount of \$173 million dollars. This represented 41 per cent of all Ontario's tax credit payments with respect to the 1976 tax year. Of the total tax credit relief received by the elderly, \$21 million is a refund aimed to offset the regressive burden of the retail sales tax. A further \$16 million in pensioner tax credit is paid to elderly pensioners who reside with their families or are in institutions. The balance of \$136 million is a tax refund of property taxes to our elderly citizens, whether they pay property taxes or pay rent.

Let me put this in terms of more immediate relevance to the individual elderly person. In 1976, the average property tax or property tax equivalent of elderly persons in Ontario eligible to receive Ontario credits was about \$434. Setting aside the value of the sales tax credit and looking just at the value of the credits directed to the relief of property taxes, the average credit received by elderly residents of Ontario for the relief of property taxes is \$286.

This means that on average our elderly citizens now receive—now receive, and I emphasize it—property tax relief of over 60

per cent against the total tax burden—the total tax burden—for both municipal and educational purposes. More importantly, those senior citizens with incomes closer to Ontario's guaranteed income level receive more relief, and elderly citizens with higher average income levels receive something less.

In 1976 we estimate there to have been about 668,000 individuals filing tax returns in Ontario who were 65 years of age and over. Of these, 481,000 either owned their own homes or rented accommodation and had incomes which qualified them for Ontario property tax relief.

The property taxes or rent equivalent to taxes of this group of elderly was about \$212 million in 1976. With \$136 million of these taxes already refunded through the Ontario tax credit system, full refund of the property taxes of elderly individuals entitled to receive benefits in 1976 would have been a further \$76 million.

In designing a program to provide further property tax relief for those of the elderly already receiving Ontario property tax credits one of the most important considerations is to restrict relief to those so that those elderly pensioners with incomes well above that of the average working family in Ontario do not receive disproportionately heavy property tax relief.

In designing an equitable relief structure we have no business providing higher relief to the well-to-do retired than we do to the average working family with children to support. In 1976, 3.8 per cent of Ontario's elderly tax filers had incomes in excess of \$15,000, and 11½ per cent of Ontario's elderly tax filers had incomes in excess of \$10,000. These are individual taxpayers, not families.

As another part of Ontario's tax relief system for the elderly, the Ontario government also recognized that some municipalities might perceive a need to provide supplementary property tax relief for the elderly. The municipal and school tax credit was created to meet this need.

Those municipalities in Ontario which elect to do so may offer this credit to elderly householders. Under this program one half of property taxes up to \$150 are covered. The chief purpose of this program is to assist the most needy elderly to remain in their own homes and, as a consequence, the program represents a lien against the property.

The advances under this program are financed by the Ontario government.

Some years ago the Ontario government responded to the requests of many Ontario

municipalities which perceived the need for additional property tax relief for the elderly. The Municipal Elderly Assistance Act enables municipalities to provide further tax relief to the elderly. Each municipality decides the level of the assistance, which is the same for each household. Furthermore the municipality decides whether only the most needy households receive the credit or whether it is available to all elderly householders.

[4:15]

What this combined package of programs means is that many of our senior citizens who must live within constrained incomes and who live in municipalities which also provide property tax relief may receive total—and I again emphasize total—property tax relief in excess of the actual property tax bill they have paid. However, this opportunity is not yet available to all our most needy senior citizens in Ontario. It is the purpose of the commitment in the charter for Ontario to fulfill this outstanding need.

I would like to place our commitment to provide further tax relief for the elderly within the broader framework of Ontario's record and intentions for tax reform. The most effective way to convey to you the opportunities which lie ahead for us is to refer to a portion of a speech which the Treasurer recently made to the Progressive Conservative Businessmen's Club of Metropolitan Toronto. In this speech, the Treasurer noted new vistas which he foresaw the tax credit system could open up: He noted that after the commitments to relieve the majority of senior citizens of property taxes is complete there will still be scope for further actions; there is still the opportunity to further explore the possibilities of replacing low income housing subsidies with income tax credits; further property tax relief to those on disability pensions is a goal which will find its place among these priorities as we wrestle with the programs for the future.

In summation, this government has shown by past actions that it does recognize its responsibilities to its seniors. This government will continue to do this in the future, with compassion but with recognition of its fiscal responsibilities to all taxpayers.

Mr. Warner: Darcy wrote that; that's pretty sad.

Mr. Ashe: You just don't like hearing the facts over there, that is the problem.

Mr. Acting Speaker: Order, please. The member for Grey-Bruce has the floor.

Mr. Sargent: Thank you, Mr. Speaker. I must congratulate the member for Durham West. He had a lot of facts and figures.

Mr. Ashe: You don't like to hear those, they are confusing.

Mr. Sargent: But figures are like a lady of the night, once you get them down you can do anything you want with them.

Mr. Cureatz: Do you know about that?

Mr. Maeck: Are you speaking from experience, Eddie?

Mr. Sargent: Long experience.

The bottom line in this whole bill is the fact that it is degree of hardship we are talking about. For the party over there—and I assume they are going to vote against the bill—degree of hardship, as compared to the people we are talking about, relates to the hardship involved in their decision to grant the \$2 million tax exemption for Ronto, and the reason there was that they only made a \$10 million profit on the land deal.

Mr. Ashe: You just made a \$10 million mistake.

Mr. Sargent: They described that as hardship. That is the reason the minister gave the \$2 million tax exemption, because the \$10 million was a hardship.

So the parallel here is that we have a new member of the House who did an excellent job in his presentation—much better than I will do—but he gets up and quotes the party line. He talks about the charter for Ontario they brought out in the last election.

The facts are, not a single member of their caucus, my good friends Osie and Lorne over there, not one of these chaps or the cabinet were involved in the making of that charter. They didn't know a thing about it. It appeared by magic one day in the newspapers, the think tank said this was their blank cheque on which they were going to be re-elected to majority government in Ontario.

Mr. Reid: And we haven't heard of it since the election.

Mr. Sargent: They had the whole ball of wax there, the whole kitchen sink was in there: "We will do all these things for everybody."

Mr. Warner: It's from 1943.

Mr. Sargent: But the people of this province are not as stupid as they think they are; they didn't buy this stuff. But here we go again. The member for Durham West says they are going to fix it up in the new budget, they are going to do all these things. The facts are the people don't believe them any more; they can't buy votes any more.

The facts are that to own real estate in this province is a hardship. In most cases it is becoming increasingly and progressively a hardship, a negative thing to own real estate,

especially for those on fixed incomes and for senior citizens.

If you recall the days when our parents got married, they got a home, which they bought, and they had a big mortgage against it. For about 30 or 40 years my family bought a home; it was many years down the pike before they had their mortgage paid off. But all the time they were paying that mortgage off 50 per cent of their taxes were education taxes. So in effect the whole nest eggs, their total wealth, was in the form of a home that was mortgaged.

All the time they were paying off that mortgage 50 per cent of their taxes were education taxes, but had they had that \$50,000 nest egg in the form of stocks or bonds, they would have paid no real estate and thus no education tax at all.

This is the inequity of the whole thing here. All of you fellows know that a \$50,000 equity for a family, when I grew up, was a big thing; and because it wasn't in stocks or bonds or cash but was in real estate they paid the full shot for education tax.

I have always suggested to you and to my people that education taxes are being paid in the main by people who can least afford to pay them. Our educational facilities, I believe, are factories of learning, and the biggest benefit from these factories of learning is in the area of business, so that is where the tax load should be garnered for education costs.

I recall some years ago when the Ontario Federation of Agriculture said to this government: "We refuse to pay our taxes. In fact we demand that 25 per cent be cut off our taxes." To the credit of the federation, it stood by its guns and all across Ontario the farmers now get a 50 per cent rebate on their taxes for education; so they now are closer to a form of equity.

I say to you, Mr. Speaker, that our party is fully supportive of the NDP motion. I think every member of the government who has served in municipal government, who has had a lifetime of service to people, knows that this is inequitable. We should immediately take steps—and not the evasive steps the government is taking—to remove the education costs from real estate and give some relief to those senior citizens and people over 65 who have hardship in paying their taxes.

Ms. Bryden: I rise to support this motion. I know well the plight of many senior citizens and people on disability pensions who are having great difficulty making ends meet in this inflationary situation, some even faced with the prospect of having to give up their homes because of the very severe increases in

property taxes that have occurred in the last couple of years.

Relief is very much needed. The present property tax credits are inadequate to provide this sort of relief and the present Municipal and School Tax Credit Assistance Act is also inadequate; it applies, hit and miss, throughout the province.

This motion is simply an implementation of something the NDP has been advocating for a number of years: namely the complete phasing out of the school portion of property taxes and substituting for it a system of raising the money for education through fairer taxes based on ability to pay.

The public appears to be in favour of this kind of trend. My colleague, the member for Scarborough-Ellesmere (Mr. Warner) in his latest riding report, asked the question, "Should senior citizens pay education taxes?" The response was: yes, 13 per cent; no, 81.5 per cent; undecided, 5.5 per cent. So there is a great consensus that some special attention is needed in this field for senior citizens.

It appears that time in this debate will not allow further NDP speakers and, therefore, since the member for Ottawa West (Mr. Baetz) has extended the courtesy of sending us a copy of an amendment which he proposes to move to this motion, I would like to speak about the thrust of this motion. I know I can't discuss it as a motion on the floor, but I'd like to indicate what my reaction to it would be.

In effect, the motion suggests that instead of immediate elimination of the school portion of property taxes for senior citizens and disabled persons, he would substitute a phased program of reducing these taxes and would work towards the elimination of them. The amendment accepts the principle of the motion, and in that sense I think it indicates support for that motion on the other side of the House.

It also specifically mentions school taxes as part of the property taxes that are to be reduced and ultimately eliminated, which the charter for Ontario did not specifically mention. It just mentioned municipal taxes. So that is another recognition that school taxes are a special problem. A phasing-out program is only as good as the timetable. I could support such an amendment only if the timetable is adequate and if there is some commitment to immediate action, because the problem is with us now. The senior citizens will be facing large tax increases again next year. They need relief at once. So if the member for Ottawa West can assure us that he envisages a timetable that will have some action for 1978 taxes, some substantial action, and

that it will be a relatively short timetable working towards the replacement of this portion of the property tax by fairer taxes, I could support it.

Mr. Mackenzie: Guarantees, not words.

Ms. Bryden: However, the proposed amendment also limits the application of the motion to a majority of senior citizens and disabled taxpayers. Once again we would like some clarification as to what sort of a means test he has in mind if he is going to limit it. If he is going to simply restrict it to all those in receipt of the guaranteed income supplement, it is unacceptable. Many senior citizens who are somewhat above the guaranteed income supplement level still need relief from the heavy and unfair burden of school taxes on their homes, if we want to enable them to stay in their own homes. I think we all recognize that is the most desirable place for them, and they are less likely to become an expense to the taxpayers if they can do that.

I would be willing to accept some limitation on the exemption that is being proposed in this motion, perhaps restricting it to houses below a certain size or below a certain value. That is not as much of a means test as looking at people's income. Any restriction of this sort, based on value, would have to vary from urban centre to urban centre, because the prices vary so much and inflation has had different effects.

This method would be a way of removing from the well-off the exemption that is proposed in the motion. I would really prefer a more progressive income tax as the way to get back the benefit from the well-to-do, but in the absence of a more progressive income tax I could contemplate such a restriction. On those terms I would be prepared to consider the amendment of the member for Ottawa West (Mr. Baetz), if he could clarify those points for us.

[4:30]

AUDIT ACT

Mr. Acting Speaker: One moment please. Earlier today, the Chair neglected to place a question concerning the disposition of Bill 43, An Act to revise the Audit Act, which was reported by the public accounts committee. Shall the bill be ordered for third reading?

Mr. Makarchuk: No.

Mr. Reid: No. Mr. Speaker, if I may, the bill has some amendments forthcoming from the Treasurer; committee of the whole House, please.

Ordered for committee of the whole House.

PROPERTY TAX EXEMPTION FOR
ELDERLY AND DISABLED PERSONS
(continued)

Mr. Baetz: Mr. Speaker, it's a pleasure to address a resolution on a subject which is so close to both my professional experience and my heart. The resolution is a further example where a social objective, namely financially assisting senior citizens and the handicapped, is to be pursued through the taxation system. Traditionally it was assumed that the fields of social security and taxation operated in two airtight compartments or two separate worlds: the social security system paid out and the taxation system collected the necessary revenue.

During my 15 years as executive director of the Canadian Council on Social Development, I became increasingly convinced of the central role which the taxation system could and indeed must play if we were to achieve our goals of equity. During those years on that council, I took part during the long drawn-out debates on federal tax reform and through a comprehensive review of our country's income security system.

It was during these periods of intense inquiry of both Canada's income security system and its taxation system that I became more aware of the independent and pioneering path which the Ontario government alone was pursuing. It was apparent that leaders in the Ontario government were recognizing the interrelationship of these two systems: the taxation system and the income security system.

The Ontario government also recognized very early that the device which could bring together and orchestrate social and fiscal policies was the tax credit. I was delighted to note that our Treasurer continues to pursue and develop that device.

Mr. Makarchuk: How come our taxes are going up?

Mr. Baetz: As we all know, the Ontario government has not only pioneered and theorized on the new approach to taxation and social security but, as we have heard from my colleague, the hon. member for Durham West, our government has also taken some concrete steps in implementing good ideas.

Mr. Warner: They should take steps in concrete.

Mr. Baetz: It's against this long background of pioneering, planning and concrete action that I am looking at the resolution before us.

I am fully supportive—and I know many of my colleagues share this view—of any step taken by government to further examine and implement ways and means for relieving the

tax burden on our senior citizens and the handicapped. However, in the light of the repeated commitment by our government, not only to the principle of achieving equity through an integrated tax system, but in terms of the concrete steps already taken and further steps actively being planned, I cannot help but feel that the resolution has an air of redundancy about it—unless it's in the spirit of a jockey urging his horse, who is already in the lead, to run still faster.

What I find even more troublesome with the resolution as it now stands is that it is one more piecemeal approach, one more bit of ad hoc-ery, one more fragment in an already highly fragmented picture. That's precisely the fragmented approach we're trying to rectify to bring about a more comprehensive, integrated and equitable pattern.

Tax relief for one group, in this case the aged and the handicapped, will inevitably have an impact on all other taxpayers because tax relief is an illusion. It's a myth. It's really a tax shift, it is shifting the burden on to others, many of whom have equally inadequate incomes, including the thousands of the working poor.

Mr. Mackenzie: You shift from the rich to the poor all the time.

Mr. Warner: That's right; try taxing the rich for a change.

Mr. Baetz: Surely we must avoid violating the principle of equity, the objective of trying to be fair to all concerned.

I'm also deeply troubled by the resolution because it clearly proposes a further universal measure. All aged and all handicapped, owning and occupying their own homes, regardless of their income, are to receive total relief. Although the percentage of those with low incomes is much higher among the aged than those in the active labour force, and even though we're fully aware of the erosions of real income for those aged with fixed incomes due to inflation, there are happily a considerable number of aged whose incomes are higher than the average.

Moreover, I'm aware, representing a riding heavily populated by retired federal servants with indexed pensions, that not all senior citizens are on fixed incomes. The point is simply that universal programs do not meet the essential criterion of helping those who need it most. Indeed, they stand this principle on its head and help most some who don't need it at all.

Further, universal programs such as the one proposed in the resolution are needlessly inefficient, the loss of revenue which is really an expenditure is massive in light of the

numbers helped who really need help. It was in recognition of this that our charter for Ontario very clearly and deliberately avoided a universal approach; when it spoke about the ultimate elimination of this tax it clearly said elimination for the majority, not for everybody.

In response to the question raised across the House, I would say that while we have no fixed percentage as to what constitutes the majority, we see a graduated scale which provides less and less relief as other income rises, and finally a level where no help would be given at all. There are certain millionaires and other very wealthy aged in this country who surely don't need this kind of tax relief.

Mr. Mackenzie: Quit dragging out that red herring.

Mr. Makarchuk: Give relief to the others, including the billionaires.

Mr. Mackenzie: The new right wing Tory party.

Mr. Acting Speaker: Order, please.

Mr. Baetz: Finally, the resolution as it now stands has a serious, an almost fatal flaw in it. It is highly discriminatory against the aged and handicapped who live as tenants in rented quarters and who don't, as the resolution calls for, live in residential property owned and occupied by them. In our centres, more than half of the aged rent their places of residence. The resolution would provide no relief for them at all, although they too carry a part of the school tax burden.

While I'm morally in tune with the objectives of the resolution, I cannot in good conscience support it as it stands because it simply doesn't meet the essential criteria of sound social policy.

Mr. Mackenzie: That moral help doesn't put groceries on the table.

Mr. Warner: You abandon the old people.

Mr. Baetz: I would move, therefore, in order to keep this vital subject alive and have it brought to the immediate attention of a government—

Mr. Makarchuk: Until the next election anyway.

Mr. Baetz: —that does care about the aged and the handicapped, that the following amendment be made. In introducing this amendment, I would, in response to the question raised across the floor—

Mr. Mackenzie: I have heard everything now.

Mr. Baetz: —say that I have no mandate to promise a precise schedule of implementation of any new regulations, all I can

convey to members is that there is a sense of urgency on this side of the House to do something to help the aged and the handicapped.

Mr. Makarchuk: In the next election you'll have another charter for Ontario.

Mr. Warner: It's the same old story.

Mr. Makarchuk: What a pile of baloney.

Mr. Baetz: I would appreciate the opportunity to respond on the amendment as well. I would plead that we in fact carry the amendment so that this very important piece of legislation not be dropped here today.

Mr. Acting Speaker: Mr. Baetz moves that the resolution embodied in private member's motion No. 9 be amended as follows:

"That all the words after 'consideration to' in the second line be struck out and the following substituted therefor: 'reducing the municipal and education tax levy on senior citizens and those on disability pensions with the ultimate goal of the elimination of this particular tax for the majority of Ontario's senior citizens and handicapped'."

Mr. Baetz: With that amendment the resolution will now read:

"That in the opinion of this House the government should give immediate consideration to reducing the municipal and education tax levy on senior citizens and those on disability pensions with the ultimate goal of the elimination of this particular tax for the majority of Ontario's senior citizens and handicapped."

I believe that with that amendment we could reach consensus here, because I think there is a consensus of spirit in this House. Thank you very much.

Mr. Sweeney: Mr. Speaker, I rise in support of this motion.

Mr. Acting Speaker: You have about eight minutes.

Mr. Sweeney: Thank you. It comes to mind, though, as I listened to the two members on the government side, that I have some qualms.

Mr. Makarchuk: That sounds like a death-bed repentance.

Mr. Sweeney: The first one is the reference by the member for Ottawa West, who indicated government members would like to see this issue dealt with with some dispatch. I would remind the member unfortunately the reason this motion had to be brought forward by a member of the opposition was the fact we have now waited six months for the government benches to do something with it.

I know in my own riding, and I expect in many of your ridings senior citizens of this

province have been asking continuously—daily, weekly, monthly—what is happening. They were told something was going to happen; they are still being pressed with the burden of property tax. So I say to the hon. member it was necessary, not redundant as he said, it was necessary for a member of the opposition to bring such a motion forward because there is clear evidence that left to its own devices this government will not do it, or clearly will take too long.

We talk in terms of time. I would remind the hon. member that this government has been in power for 34 years.

Mr. Makarchuk: George Drew promised it.

Mr. Sweeney: If they truly believe something like this should be done, they could have done something long ago. I sympathize with you, sir, but such is the reason we have to support this motion very strongly.

I would also mention, Mr. Speaker, the first spokesman for the government side, the member for Durham West, who gave us a well-presented recitation of, for want of a better expression, cold sterile facts. We are not dealing with facts here; this is brought forward as a motion because we want to deal with the spirit of the issue.

I was pleased, genuinely pleased, to hear the member for Ottawa West in his summation, end with the words, "Let's deal with the spirit." I would add to that, let us deal with the spirit of this, and the spirit is that in this province large numbers of our senior citizens through one method or another, are being forced day-by-day out of their homes and into some form of institution. They are being forced; you yourself admitted—

Mr. Warner: The government's done it; it takes them out of their homes.

Mr. Sweeney: —well over half of our senior citizens now have to live in rented quarters.

Mr. Maeck: Now live.

Mr. Sweeney: It is clear that in the last number of years, in the last decade, they have had no other choice. As a matter of fact it has been the practice and the procedure of this government to encourage them to do so. If they move into an Ontario Housing unit they are subsidized; if they move into a home for senior citizens, once again they are heavily subsidized. But the subsidy they receive if they want to stay in their own homes is minimal.

What your government is clearly saying is if you get out of your own home, if you go into an institution we will heavily subsidize you, but if you want to stay in your own home,

the home for which you have spent a lifetime working, a lifetime earning, then we are not going to support you to the same extent. So what message do the senior citizens of this province get? It's the desire of your government to move them out of their homes.

That's in the spirit of what we are talking about. If on all sides of this House, we really believe, as we all so piously express at election time that we want to do something for the senior citizens of this province Mr. Speaker, then let's take advantage of this. We especially plead with the members of the government side as the motion says, to "give immediate consideration." That's all we are asking, give immediate consideration to this.

Let's look at another factor, Mr. Speaker. Let's just deal with the educational portion of this tax. We are talking about people—I am only dealing at this point in time with the senior citizens, I will get to the disabled in a minute—we are talking about people aged 65 and over. We are talking about people who have worked and earned, and who have paid into this province and into their local municipalities for at least 40 years, even if they went to university. They may have contributed through rents—we know very clearly now through the rent review board that taxation is a definite component of rent; or through direct tax on homes of their own; but we know they have all been paying educational tax. Over 40 years that would represent three generations of students in our schools; on a maximum of 13 years each, we are talking of three generations.

[4:45]

What we are saying is that these people aged 65 have already paid back the cost of their own education, first generation; they have paid the cost of their children's education, second generation; and they have paid the cost of their grandchildren's education, third generation. How much more can we legitimately ask of them? That's a point I think we have to consider. Somewhere along the way we have to say that some members of our society have paid their fair share. That's the point we want to bring out.

The figures that were mentioned by the member for Durham West indicated that for those senior citizens who are in most financial need there is already a fairly substantial contribution. I recognize that. As I understand the present tax credit plan they can get \$180 plus 10 per cent; we are talking of about \$200, some of them will get a little bit more. What we are recognizing now is that many of our senior citizens are paying

taxes in the \$800 range. With the educational tax being at least half in most municipalities, we are talking of at least \$400. What is already happening clearly isn't enough.

A second point: As we look at the effect of market value assessment in this province, as it was clearly brought to my attention only in the last couple of weeks, the people who are going to be most negatively affected by the introduction of market value assessment are those living in older homes in the cores of our cities; for the most part our senior citizens, that's where they traditionally are located.

So not only are they being seriously affected now, they are going to be even more seriously affected when market value assessment is brought in. That again gives stress to the words of the motion "give immediate consideration."

I would like, in closing, to support very strongly the spirit of a statement which the member for Ottawa West made. I agree with him we have to bring a stop to some of these universal plans. I support that. I believe that the help we are talking about today should go to those people who need it most.

If there is some fair way, some just way, in which this government will bring in a bill, whatever it is, along those lines I, for one would support it; but I would say that at the present time the overburden, of education taxes in particular, is crippling our senior citizens. The one thing we are doing is driving them out. We are making them dependent when surely we want to give them their independence for as long as possible.

Mr. Acting Speaker: The member's time has expired. This concludes the debate on this item.

PLANNING AMENDMENT ACT

Mr. Cureatz moved second reading of Bill 89, An Act to amend the Planning Act.

Mr. Cureatz: The purpose of this bill is to set out specifically the criteria that should guide a committee of adjustment, a land division committee or the minister when deciding whether to grant a consent under section 29 of the Planning Act.

In regard to my section 1, the existing section 29(12) of the Planning Act invokes considerations relating to subdivision agreements and applies them to giving of consents. The section, as amended, contains a list of criteria that have particular reference to consents. I might point out that most of the considerations are developed from a list contained in the present section 33(4) of the Planning Act. Another consideration is drawn

from section 42(3). The amendment also requires the committee of adjustment, land division committee and the minister to consider the community needs for housing, commercial and industrial development.

In regard to my subsection 12(b), this is a re-enactment of the later portion of the existing section 29(12) concerning the attachment of conditions to consensus, merely a procedural section.

For my second section 2, the amendment deletes the words that are presently in existence in section 42, subsection 3, which read as follows: "provided that the committee is satisfied that a plan of subdivision under section 33 of the land described in the application is not necessary for the proper and orderly development of the municipality." This has been deleted. The phrase is unnecessary because it has been included in one of the criteria listed in the amended section 29(12).

Under the current Act, we have to apply the criteria set down for planning a subdivision when we wish to consider land division. I would submit to this House that land division is different from plans of subdivision and that it is such an important issue that it should be considered separately under the Act.

Also, subsection 12 of section 29 has been amended to include my own clause (c) which reads: "That the community's needs for housing and commercial and industrial development should be a part of the consideration." This will give greater scope when considering severances and allows recognition of the fact that severances are different from subdivisions. I would suggest that we really are considering totally different things and that a subdivision cannot fairly be compared to a severance in terms of impact or amount and type of land under consideration.

Mr. Wildman: What about agricultural land?

Mr. Cureatz: I recognize, speaking of agriculture, that those who argue that all land should be frozen do so out of a desire to protect our farm lands, and I am particularly sympathetic towards that objective. However, with respect, I suggest that property rights are a vital issue and concern that is just as legitimate, and I believe we should allow the availability of some severances, particularly when referring to bush lots or possibly ravine lots on farm property.

This proposed amendment to the Planning Act will not hamper the preservation of our

farm land, but will allow for some flexibility, which I believe is much needed. I should also add that under my proposed bill, I have inadvertently deleted the reference to road access in clause (b) of section 33, subsection 4 of the present Act, and this should be retained in the proposed bill.

Mr. Speaker, I should like to reserve the time I have left and use it in later discussion of the bill.

Mr. Wildman: George, are you going to speak on this one?

Mr. Hall: I'm pleased to address the House on the subject of Bill 89. There's no question the matter of land severances is a difficult problem. I'm sure that rural members get calls on this subject frequently. However, I don't feel that the bill addresses itself too thoroughly to the many problems that exist, and there are many, dealing in form and function, guidelines, variance between municipalities and so forth, just in that package alone.

Over the past several years the provincial association of committees of adjustment and land division committees has done a lot of good work in education and information of the proper approach among the membership. However, there is still a long way to go. I frequently hear stories of dissatisfaction with the quasi-legal approach that is adopted by some, or the lack of public announcement of decision at the right time, as opposed to a completely different procedure that might exist in another municipality.

On the basic philosophy itself, I think we're all aware that there are very strong feelings with regard to land severances. One takes the traditional view of the public good, that there is a desire to preserve farm land and that there should be orderly development of land in a time when services such as sewers and water are important in our society, instead of having scattered development which doesn't permit these more sophisticated engineering benefits.

As we move to control our development, tell people where they are going to live, make certain they are fully watered and seweraged and lit, and that the proper access roads are there and what-have-you, it makes further away the day when rural areas can see growth. So for many reasons some of the benefits of our society are causing centralization at a time when we don't necessarily think that centralization is too attractive. In these rural areas it is impossible to meet a lot of the higher standards that are required under subdivision agreements and environmental standards that have been imposed.

On the other hand, dealing with the philosophy of the rights of the property owner, there are many serious matters that honest committees of adjustment are wrestling with. Certainly it is very hard for a man to have farmed in a community all his life and yet not have easy access to a severance and be able to live in a retirement home on the same property, in the community where his family resides and where all the family social ties and social work and church work are centred; to suggest that he be denied that opportunity to stay in the community; that is a terrible dilemma in itself, in my opinion.

The agricultural paper suggested by the Ministry of Agriculture and Food suggests that maybe trailers should be considered as accommodation for this person so that he doesn't put a permanent house on this agricultural land. I don't feel that this is too satisfactory, either.

The Ontario Federation of Agriculture in many respects assumes the conscience and the responsibility for preservation of agricultural land in this province. Again, in my opinion, it seems to be somewhat divided. Certainly it is against anything that is going to damage and fragment the good soil of this province. Yet these same members are also ruggedly independent people. Speaking to them individually I get some consensus that they still do believe in property rights, that they feel they should have the right to do what they want to with the land they have worked and paid taxes for, et cetera.

This is a particular problem for them. As farmers they know that vastly increased quantities of food could be grown on many of the farms if markets were available. They are torn because they sometimes face, in their declining years, an economic need to sell part of their land and get financial assistance as their own private form of pension for their old age, and yet as true stewards of the land they feel that agricultural land should be preserved.

The matter of the bill itself, as I look at it, seems merely to move requirements in section 33(4) and section 42(3) of the Planning Act to an amended subsection 12 of section 29. It really lists only one new criteria that I can see, and I think it's pure words. I refer to clause (c), "the community's needs for housing and commercial and industrial development."

I don't really think that putting this in print in the bill is going to change the ball game very much. It does leave out present sections 33(4)(c) dealing with suitability of land; (d) the adequacy of roads; and (j)

the dedication of land for highway purposes. I suggest that the adequacy of roads and the dedication of land have both been used frequently as conditions and circumstances by various land severance committees in their work.

I appreciate that the member has mentioned that he inadvertently left one of these items out, and I certainly have to agree. I do know of circumstances where not too many years ago a demand could be made for a severance on an unopened road allowance and before too long the municipality found itself faced with a considerable road building cost. In this day and age, it is not fair to pass that cost on to the general taxpayer in the community. It should be tied to the use of the particular site.

[5:00]

We have had instances of checkerboarding too in the past, which have led to very flagrant problems having to do with road access. Certainly in my community, whether or not it's spelled out, land severance committees have never hesitated to accept a dedication of a road allowance to further their programs for the highways in the area at the time of granting a severance.

Subsection (i) at the top of page 2 of Bill 89 seems to me generally to be taken from section 42(3) of the Planning Act. It does seem to me to go against the recommendation of the Comay report, which in part says: "Committees of adjustment and land division committees should be authorized to grant consents for the separation of land where they conclude that a registered plan of subdivision is not necessary for the proper and orderly development of the land in question, rather than for the proper and orderly development of the municipality, as the Act now provides."

This concept is a major thrust of Comay in that he recommends, I'll put it in other words, that the onus be on the objector to show why a proposal should be rejected, rather than requiring a proponent to justify a proposal, which is presently the case.

Mr. Speaker, I suggest that the proposed bill remains silent on several aspects of land severance which are pertinent. I've suggested a few of them. I will touch on them again: the matter of agricultural lands, the matter of getting down to the specifics of a farmer and his need to obtain a severance; under what conditions shall it be recognized that a son or a daughter is entitled to a severance—

Mr. Speaker: The hon. member has one minute.

Mr. Hall: Thank you, you've slowed me down here.

Quite briefly: Comay is in the works, the report of the committee has been sent out to all municipalities of Ontario. They're entitled to an answer; I feel that very strongly. These people have done the work and they deserve to be heard.

I feel the bill doesn't accomplish a great deal, and major surgery is needed. The experts are finally assembling all the views on a major work, I think it's untimely to merely shift clauses from one page in the book to another; therefore I'm afraid I can't support the bill. Thank you.

Mr. Makarchuk: Mr. Speaker, in rising to speak on this bill, I want to state to the member there's absolutely no way we can support this piece, really of planning ad hoc-ery that he advocates for Ontario. There's no question that planning in Ontario is in a mess, that a lot of your planning is on an ad hoc basis, that you have no major land-use plan for Ontario, that you really in many cases do not know where you are going or why you're going, and if you do you don't know how you're going to get there.

I think the member introduced the bill probably on the assumption that if we free up more land somehow we're going to get cheaper land for houses, that it would provide lower costs in housing. This is the line that's used continuously by the Urban Development Institute when it goes around lobbying and trying to justify why it is ripping off the consumers, the people who buy homes, why it is ripping them off at such atrocious prices for housing. The big argument, of course, is that if only they'd let us get the subdivisions through fast, if only they'd let us do this or that, we would get the land on the market faster and then the price of housing would go down. This is absurd and totally false.

If you look at the situations that exist in various communities in Ontario, you find out that in most cases, if not in all cases, there are plans of subdivisions available in which all the owner of that particular plan of subdivisions has to do is go to the municipality, take out a building permit and start building in those areas. This applies to cities like Guelph; it applies to Galt; it applies to Kitchener; it applies to Brantford; and it certainly applies in many cases to Toronto.

The reason they don't do it is because they know very well by holding the land off the market, by playing, by putting so many lots on the market they've got a nice cash

flow that goes on day in and day out. They also know that under those kind of conditions, they can keep the price of housing where it is. It's totally atrocious and it's out of reason.

To an extent there's no question that it is because of the failure of this government, of the Tory government in Ontario, to really deal with the housing problems that we have this high cost of housing. We also have this effort on the part of the member to sort of bring in a cutesy little bill through the back door to make things easier for major land holders and speculators and no one else.

If the government of Ontario was serious about housing what they would have done, and what they could do even now, is to ensure that the land they hold in land banks, is put on the market as serviced land at cost.

I remember my own personal experience when I had to deal with Ontario Housing. We offered them 160 acres or thereabouts to put on the market. The only stipulation we asked of the Ontario Housing Corporation was to put this land on the market at what it cost to buy the land, or the cost of the land plus the servicing costs. They said, "Oh, we can't do that. This is going to affect the market."

That's exactly what we're all about. We've got to affect the market. In this particular case, we could have put fully serviced lots on the market for about \$6,000 or \$7,000. Across the road, a similar lot, the same size and everything else, was being sold for about \$21,000 or \$23,000—exactly identical land.

That is, shall we say, the real problem in the whole housing situation. There's the area you have to attack if you're going to deal with the housing problem, and not by trying to bring in the sort of cute little bill you have here.

I would suggest to the member that he look at Saskatoon, or look at Lethbridge, where the municipalities went into housing and intentionally acquired land and put it out for housing at cost. The housing costs in those areas are much lower and there's an adequate supply of land. If you look at the Ontario experience you find the land surrounding the communities is owned by major developers who hold it and release it as they see fit; and generally when they see fit is when it will maximize their profit. They're not at all interested in lowering the cost of housing.

This particular bill, Mr. Speaker, just opens the doors to a lot of rather irrational nonsense. It opens the door to favouritism. What it's going to do is allow four or five

or seven people on the adjustment committee or land division committee to decide just about everything. They will decide how subdivisions are going to go and the number of units in the subdivision; there are no restrictions. Right now the municipalities, although they vary, insist that if you have a plan for more than six houses you have to draw up a plan of subdivision, otherwise you may go to the committee of adjustment or a land division committee. Under this situation you will leave this door open to five, six, or seven people who generally do not have a concept of what planning's all about. Generally these are appointed hacks of a municipality, who meet occasionally when the mood strikes them; who have no depth and no understanding of planning in many cases. These are the people who are going to decide the future of Ontario.

What these people ignore is the fact, that when you come to things such as schools the school board has to be brought in and all the other agencies dealing with schools. You have to take into account projections on students in that area. You also have to take into account how other planning is going to go and you have to relate one plan to the other plan. This is not taken into account.

You have the same problems with highways, you have the same problems with railways, you have the same problems with the shape of lots, and grades; you'll have problems with water, you'll have problems with sewage. Even in this day, when you still have a great deal of control and a great deal of examination of a plan of subdivision, you find subdivisions go in where these problems still persist. We have noise problems, we have drainage problems, we have sewage problems and everything else. You have problems with grades, you have problems with snow-clearing and all these things.

Can you imagine the sort of havoc that would be caused in Ontario if this matter was left to about four or five nice, decent elderly gentlemen who met when they felt like it? They sort of have an afternoon off and they say: "Boys, let's go and see how many subdivisions we can give out today."

The other element that comes into this is the fact that you will have a nice, friendly developer wandering in there and saying, "Hey, Joe, I need about 30 units" or "Give me a chance to subdivide about 30 units," because it's nice. He can put in 30 units this year; that will give him a cash flow of about \$300,000 or up to that point, and there will be something else next year. It just keeps going on this way; there's no rhyme

or reason, no attachment, no consideration for anything else.

Earlier, when the member spoke, he said: "We have to take into account the property rights of people." Quite right. We have to take that into account. But one of the things that will happen under this bill is that people who live in an area and who have committed themselves to paying a hell of a lot more than they should for housing and are paying through the nose, may find that they can get stuck with a horrible subdivision right beside them which, whatever one says, is going to devalue their property. The member doesn't consider their property rights whatsoever. If we're going to do it one way, we've got to consider it on all sides.

The other problem, of course, is that this bill will open up strip development—the bane of the landscape, the insult to the landscape, the most disgusting form of development that we can have in Ontario. Under this bill, the committee of adjustment can have the right to allow any kind of development—it could be a little commercial development, a major development or any other kind of development—to proceed on a strip basis. This is very valuable, of course, because then we can have a series of hamburger stands, pool halls and various other things. This is what the member wants on the Ontario landscape and, under this legislation, this is entirely possible and feasible.

The matter of garbage collection is the other problem. Once we get strip development or scattered kinds of developments, which, again, this bill opens up, we have a problem of garbage collection. Who collects the garbage? Who pays for the collection, et cetera? Where do we put it? Again, these problems will develop.

Mr. Speaker: The hon. member has one minute.

Mr. Makarchuk: I'd like to conclude by saying that planning in Ontario is bad and, if this bill goes through, it will become worse. Why it was introduced at this time, when we have a review of the Planning Act coming in, is beyond me. For those reasons, we will not support the bill.

Mr. G. Taylor: Mr. Speaker, I rise to support the bill of my colleague from Durham East, Bill 89.

Mr. McClellan: Shame.

Mr. Wildman: We want to hear what the member for Dufferin-Simcoe has to say on this one.

Mr. G. Taylor: It may be cute and it may be little, but I believe it's a bill put forward

in all sincerity in the spirit and essence of the private members' provisions of this Legislature.

For the short period of time I've been here, I've watched the amount of bills that are going through and, with no disrespect to the opposition, each week we see them getting into what might be considered major policy fields of the government—not ones where one can purely come forward as a private member and correct some matter that is concerning one and his constituents. Each week we watch them try to play government with no responsibility for one hour.

Mr. Riddell: If it wasn't for this side, you people wouldn't have anything.

Mr. Warner: Just turn it over to us; we could run it.

Mr. G. Taylor: I'm sure it would have been turned over to them had the people of Ontario appreciated what their policies were. They did appreciate them and didn't turn it over to them.

Mr. Makarchuk: You had a couple of chances in the last three years and what happened?

Mr. Wildman: You forget we voted for the member for Dufferin-Simcoe because of his private member's bill.

Mr. G. Taylor: But this cute little bill does give what is needed for the land division committees and the committees of adjustment in this jurisdiction of Ontario. We have them referred to another section but it isn't complete, and often with those people who have had experience going before these committees, naturally they do not always have the expertise. When they say, "Okay, we'll look at the subdivisions," it isn't a subdivision we're going for here. There is not the necessity of all the material that a subdivision needs. It's the land division committee.

Although they may be hacks, as described by an opposition member, they do do their job in all sincerity and they try to do it as best they can. This is a bill providing them with further tools and guidance to carry on that work that they are trying to do on behalf of their municipality. It's done locally. It's in the local hands. They appreciate the work they have to do. They appreciate the concerns of their community. It's what they want, not what Queen's Park wants—not trying to freeze it all and work it all from here. It's local planning done by a committee of adjustment or a land division committee by those very hacks who understand their community; it's done by those very hacks who, I am sure, do not wish to be described that way, but those very hacks who understand what they

need and what they want and not what is determined by some other source.

[5:15]

Mr. McClellan: Let's hear it for the hacks. More power to the hacks.

Mr. G. Taylor: Here we have a few provisions set out for their guidance and often times they need that guidance in the form of a legislative piece of machinery—

Mr. Lewis: A ridiculous bill.

Mr. G. Taylor: —those who may be making policy decisions, not by what somebody might suggest by letters or other correspondence, but there in the form of a piece of legislation. It is a bit of housekeeping, one might suggest, but a necessary part of housekeeping that is rather important to those small and concerned people of local municipalities.

It does not breed strip development, as one member may suggest, but it gives them some guidance in the area they have to work from. Not all strip development is bad, not all subdivision planning is bad, not all the work these committees do is bad. I would suggest that the bill, in giving them guidance, improves their lot and would create for them an atmosphere of information as to what they should look for.

If we go to the very important clause that my colleague from Durham East has added, clause (c) it says: "the community's needs for housing and commercial and industrial development." Here again, it points out to them further information they need to conduct their community spirit and to conduct how they want to live within their community. With that extra information, it provides for them the guidance they need.

The other matters of "health, safety, convenience and welfare, of the future inhabitants," coupled with clause (c) of that, gives this land division committee the information on the two major features any land division committee must work within, information to guide them in the spirit of the legislation to carry on what they want for their community.

It has been suggested that the Comay report may be intruding upon this very shortly. However, as we all know, some reports take a little longer to get there than is sometimes necessary, sometimes because the government does not act as swiftly as one would want, sometimes because there is opposition to the report and often times because it is studied, worked on and brought forth in probably its most ideal shape. But in between that time and when the Comay report comes in, we can have this little cute bill add to the efficiency and the courtesy in the manner—

Mr. McClellan: A cutesy hack bill.

Mr. G. Taylor: —in which the land division committee and committee of adjustments may have to conduct their proceedings.

I submit that with this we will be taking one step further in assisting communities in their local planning—and I emphasize that the planning to be done locally so that they may conduct themselves for the best in their community.

Mr. Riddell: In rising to speak to this bill, which I really didn't have any intention of doing an hour or two ago but I was asked to make a few comments, I find it unbelievable we can waste so much time and so many words on a bill which in my way of thinking is redundant. We have all the provisions of this bill already incorporated in the Planning Act, with the exception of the one clause which several have alluded to, that is, the clause (c) of section 1(1), the community's needs for housing and commercial and industrial development.

I did take the time to phone back to the county planner in Huron, and I also talked to the clerk-treasurers in both the county of Huron and the county of Middlesex. They couldn't believe we would waste time on this kind of a bill when everything in the bill is pretty well included in the Planning Act. It's confusing to know just what changes are being proposed.

There has been some mention made of the Comay report, which is being studied by the various municipalities across Ontario—and I believe that there is also an actual report now—and they have pretty well adopted the recommendations made by the Comay committee. They suggest that urban and rural severances be treated differently. I believe they also suggest that the province should establish a basic rural severance policy.

The fact of the matter is that this government is pretty well bankrupt of any policies. They have done very little planning and what planning they have done has created undue hardship. I just wish that some of the members had joined with the Liberal task force in Owen Sound yesterday and heard the reasons why the tourist trade has declined considerably there. The members should hear the way they talk about the Niagara Escarpment commission and what that commission has done to stifle any initiative in that part of the country. They can't do a thing: there's a ministerial order on most of the land in that area. The most recent road map shows private property as belonging to the government—as provincial park. Campers move on to this property and the person who thought

he owned the land would tell the camper that it was private property. The camper replies, "I am sorry, take a look at the map. It shows this property as belonging to the government."

Planning leaves quite a bit to be desired in this province. Again, in Bruce and Grey counties, where there is land which could be used for development purposes—this land certainly can't be farmland and never will be because of the rock outcrops and so on, yet once again it is frozen, under some kind of ministerial order. I see no reason why some of this land could not be developed for commercial, or industrial or residential purposes.

Mr. Makarchuk: Right on the principle.

Mr. Riddell: Getting back to the principle of the bill—

Mr. McClellan: No, stay on that.

Mr. B. Newman: Continuing with the principle.

Mr. Riddell: —and as I have indicated, I haven't been able to ascertain what the principle is, so it is really pretty hard to talk on a bill which is meaningless. It is absolutely meaningless.

Mr. Lewis: It is a disgrace, this bill; a disgrace to the Legislature.

Mr. Riddell: Disgrace is right.

Mr. Cureatz: I will take that back to the farmers of Durham East.

Mr. Lewis: That's fine. It is not helping the farmers of Durham East.

Mr. Riddell: I don't know whether the member for Durham East is trying to secure his position there, but if he is he had better be bringing in something more meaningful than this Bill 89. We can't support it on this side of the House.

Mr. Germa: I object to this bill. I just didn't expect that the member for Durham East could be that kind of a person. I think most people who have spoken have missed the really dangerous part, section 2 of the bill, repealing subsection 3 of section 42 of the Act, which of course is that the committee of adjustment does not have to comply with the requirements as enunciated in section 33 of the Planning Act. That is where the danger could be. What the mover of this bill has done, is to remove from consideration all of those things under section 33 of the Planning Act which through long periods of time have been built up to include those things of concern to people living on adjoining lands; to the total health, welfare, and protection of the entire community.

What he's done, then, is remove section 33 of the Planning Act from consideration as far as this bill is concerned.

Mr. Lewis: Shame. My God, it gets worse and worse with every speech.

Mr. Martel: The speculators will like you.

Mr. Lewis: You just want to give the farmland away.

Mr. Makarchuk: The speculators' friend.

Mr. Germa: For instance, what he is really asking us to do—

Mr. Makarchuk: —Frank Drea would never do a thing like that.

Mr. Germa: —is not to take into consideration the purpose for which the lots are to be used, which is included in section 33 now. That is one of the considerations that's paramount in any land severance; you must know the purpose for which the lot will be used. But this member did not include that in his bill.

Mr. Lewis: Incredible.

Mr. Wildman: The farmer can already get an intra-family severance.

Mr. Lewis: Have a by-election in that seat.

Mr. Germa: Section 33 also provides that—

Mr. Cureatz: I don't know if you are going to find Doug Moffatt now that he is with UPS.

Mr. Lewis: We'll look for him. We'll look for him.

Mr. Germa: We caught the member for Durham East with his hand in the cookie jar this time. Yes, sir. He got caught with his hand in the cookie jar on this one. We've seen through this sneaky little clause, section 2 of the bill. Everybody didn't see that in the bill.

Hon. Mr. Drea: Nobody else has.

Mr. McClellan: I'll bet George McCague didn't see that.

Mr. Germa: Another thing we're going to disregard as far as this bill is concerned is the nature of existing uses of adjoining land. We certainly have to take that into consideration wherever we're doing any severances. He also wants to disregard the approximate dimensions and layouts of the proposed lots.

Mr. Lewis: Incredible. Paul Wessinger would have seen that clause.

Mr. Germa: Sure he would have.

Mr. McClellan: Paul Wessinger wouldn't speak in favour of a bill like this.

Mr. Germa: Under this bill the committee of adjustment will not have to take into consideration the availability and nature of domestic water supplies; the nature of the soil;

the municipal services available or to be made available to the land to be subdivided.

Presently section 33 calls for a regard to health, safety and convenience and welfare of the future inhabitants and also that it conforms to the official plan; if the use of these lots conforms to the official plan.

The member for Durham East is asking us not to take that into consideration. Whether the severance is premature or unnecessary, the suitability of the land for the purpose for which it is being severed—I think that's paramount. We have to know if the land is suitable.

Mr. Lewis: This is a reversion to 300 years ago, for God's sake. Why don't you just auction the land off to the highest bidder?

Mr. Germa: There is no consideration taken for the conservation of natural resources and flood control—

Mr. Martel: Withdraw the bill.

Mr. Wildman: George McCague is having to leave.

Mr. Germa: —the adequacy of utilities and municipal services—

Mr. McClellan: Even your one supporter is abandoning you.

Mr. Lewis: Even the Niagara Escarpment Commission was better than this.

Mr. Germa: —school sites—we don't even have to consider school sites.

Mr. Lewis: Isn't this humiliating for you?

Mr. Warner: You should withdraw the bill or resign. Or both, preferably.

Mr. Germa: It also disregards the fact that you can appeal to the Municipal Board. The court of last resort is now eliminated if we go along with your bill.

Mr. Hennessy: You are disrupting your man.

Mr. Germa: I just don't know how the member for Durham East could come to the conclusion that we have to dispense with all those present safeguards we've had. I have to oppose this bill violently, Mr. Speaker.

Mr. Hennessy: Don't get mad.

Mr. Germa: As far as the Comay report is concerned, I don't agree with one of the projections in the Comay report which is incumbent in the bill.

It says in the report in Housing Ontario, June 28, 1977: "Committees of adjustment and land division committees should be authorized to grant consents for the separation of land where they conclude that a registered plan of subdivision is not necessary for the

proper and orderly development of the land in question, rather than for the proper and orderly development of the municipality." I cannot separate in my mind the orderly development of the municipality from the orderly development of a piece of land.

[5:30]

If a piece of land is contained in the municipality, and every piece of land must be, then you have to have concern for the entire municipality. That is paramount, because as each piece of land is used, so it determines what type of a municipality we are going to live in. The one is inseparable from the other.

The bill also speaks to the Comay report. I believe that is where Comay was wrong in his theory—that the use of a piece of a land is not connected to the viability of your community. In my view they are one and the same consideration. I am also reluctant to give so much power to what was described as these political hacks on the committee of adjustment.

Mr. G. Taylor: Just hacks.

Mr. Germa: I think anything as serious and important as land use must be left to people who have accountability and a person appointed to a committee of adjustment just doesn't have the kind of accountability the minister would have, as required under section 33 of the Planning Act at present.

Mr. Lewis: Absolutely. As a matter of fact, hacks can't even count.

Mr. Germa: So, I will have to reject this bill.

Mr. Speaker: I will remind hon. members that there are about 17 minutes left before the vote is called.

Mr. Martel: The member for Fort William wants to speak.

Mr. Speaker: Order. Mr. Cureatz has reserved 16 minutes. If he wishes to have all of that time he can have it. If, however, he would like to share some of that time with the hon. member for Grey who is the only other member on my list—

Mr. Cureatz: Mr. Speaker, I will share a portion of that time. I'll take approximately 10 minutes.

Mr. Speaker: All right then. The hon. member for Grey.

Mr. McKessock: I appreciate the member for Durham East giving me a few minutes. I probably will agree with him more than any of the other speakers on this side so it's lucky for him he gave me a bit of time.

As I listened to the member for Durham East explain Bill 89, it appeared to me that

he was trying to do something that is of interest to me, that is freeing up severances in an area where they won't do any harm and are needed. With a few minor changes, such as if he proposed in the bill to get rid of the Niagara Escarpment controls, I would have no problem supporting it.

Mr. G. Taylor: Rural people understand.

Mr. McKessock: In the rough land, in bush lots, if the local township is agreeable, nothing else should be necessary for allowing these severances. You can't expect the same rules and regulations on land use to suit every area of the province. This is why it should be left up to the local township. Grey riding is 90 miles long, so what is good for one part isn't necessarily good for another.

Mr. Martel: Strip development isn't good for anybody's riding.

Mr. McKessock: The contour of the land is different and the land use is different, so each municipality should be able to decide what they want to do with this rough land or bush lot land. Of course, we have another stumbling block in our area to getting a severance. The main one is the Niagara Escarpment Commission, as the member for Huron-Middlesex mentioned.

It is really because of the Niagara Escarpment Commission that we cannot get severance. The Niagara Escarpment Commission won't agree with that. What happens when the commission make their submission to the land division committee is they say they won't allow a development permit on that land. Therefore, after receiving this submission the land division committee will not issue a severance because it would be pointless. It means a person would be given a piece of land he couldn't develop. So indirectly the Niagara Escarpment Commission is the cause of not allowing severance in most of Grey riding.

I have one example which shows how unjust it is. One person was given a lot by a friend; he has applied for a severance and has been turned down twice. The lot opens onto a township road that is seldom used. The land is rough. It isn't farmed and it's ideal for somebody to build a home on and live out in our beautiful country. But the Niagara Escarpment Commission feels this land should be saved for somebody, someday who might happen to drive down that road. I suppose they prefer to look at the weeds along the road rather than at a nicely built home someone else could be enjoying 365 days of the year.

So, Mr. Speaker, I'm pleased to say a few words on this bill. I think the member has

some good thoughts in mind. I would hope he might persuade the government to come in with some bills that might do us some real good, especially in my area. I would hope one of these things would be to get rid of Niagara Escarpment controls.

Mr. Cureatz: Mr. Speaker, I want to first thank all those members who participated in the debate for some of their kind words and unkind words. It's always gratifying to have some input into legislation during private members' hours.

I'd like to first comment to the member for Lincoln (Mr. Hall). Unfortunately, he's not in the House, but I'm glad the member does acknowledge that indeed farmers in rural communities—he's now back—are concerned about the retention of their property rights. All too often I'm approached in regard to "What do we do with our property?" As are any members who have had the opportunity of driving through the rural communities or while campaigning in them.

As I mentioned in my opening remarks, we're all concerned about saving valuable agricultural land. However, I think it should be stressed we should be taking a reasonable approach to try to accommodate not only those people concerned about saving agricultural land but also those people who own the property. If I'm able to bring to the attention of the Ontario people and especially to the legislators here, that there are farmers out in that area who are concerned about rights, at least I've done my function and of that I'm proud. I'm proud of representing those farmers in that particular part of the my riding, who are—

Mr. Makarchuk: Is this E. P. Taylor and friends?

Mr. Cureatz: —complaining to me about the restrictions being placed on them, day in and day out, by municipalities, by provinces and by the federal government. But I do want to say to the member for Lincoln that I did not intend to create a major policy change in the Planning Act, or in the criteria set out.

Mr. McClellan: Then withdraw the bill.

Mr. Cureatz: I did intend to place emphasis on the importance of severances in rural communities and to once again bring to the attention of the land division committees that indeed we do respect the kinds of responsibilities they have to the community. That responsibility is so great in dividing up agricultural land, it should be designated in a separate section under the Planning Act and not under the section con-

cerned with plans of subdivision. Speaking of plans of subdivision, I feel the hon. member for Brantford was stressing too heavily my bill in conjunction with plans on subdivision. That's not the point at all.

Mr. Makarchuk: But you will let them; you have the power to put in something else.

Mr. Cureatz: We're not speaking of plans of subdivision and we're asking for a reasonable approach, again, to severances for farmers in rural communities.

Mr. Makarchuk: How many severances, 40, 50, 100?

Mr. Wildman: They already can get one or two severances.

Mr. Cureatz: I'm afraid I also must disagree with him in regard to his position or thoughts, on the members of the land division committees being hacks of the community. It certainly is an unfair statement.

Mr. Germa: Tory hacks.

Mr. Cureatz: No, they are not Tory hacks, to the member for Sudbury. They are quite often professional people, rural people, appointed by their own local municipal councils. They're quite concerned about the happenings taking place in their own communities.

This is why I wanted to bring to their attention the concerns that are continually arising, because this group of people quite often is not in the political arena. They are appointed people.

Mr. Martel: Not answerable to anyone.

Mr. Cureatz: They do not quite often have the pulse of the community. If I'm able to bring that pulse to those members of the land division committee through this Legislature, then again I feel I'm doing my job as a representative from Durham East.

An hon. member: Withdraw the bill.

Mr. Cureatz: As for the Comay report, I say this as a private member and not as a member of the government. Quite often I have little faith in the kinds of reports that come forward. We all hope for immediate action. If I had an opportunity to bring forward a little cause of complaint immediately, then I did that because, with all due respect, I think that report will be quite a long way down the tube in implementation.

The member for Sudbury thought he found all the cute little tricks I avoided in regard to my bill, but most of the areas he mentioned were already covered in my own section 1 (12). All the little points about concerns about community adjustments with subdivisions, health and welfare are all cov-

ered in those various subsections. I wasn't trying to sneak anything through. I feel I wasn't caught with my hand in the cookie jar.

Mr. Wildman: Yes, you were.

Mr. Cureatz: As for the comments of the member for Grey, I'm very pleased there is one legislator on the other side who can appreciate the kinds of concerns that are now taking place in rural communities.

Mr. Wildman: He wants to licence farmers.

Mr. Cureatz: I want to bring forward that kind of concern in a letter addressed to me by a farmer gentleman from Norval. I've never met him personally but he wrote a letter to the Toronto Star about reactions to land freezes. His name is Mr. G. B. Branch. He wrote: "Some four years ago a group of us in Halton opposed those who were willing to sacrifice the free enterprise system and farm for land freeze with compensation. The next move by the exponents of land freeze was to throw a scare into the general public by the issue of disappearing farm land and future food shortages. Both issues are pathetic. However, they continue to be brought into the limelight through meetings, conferences and seminars where the stage is all too frequently set by excluding from the list of speakers or panels those of us who support a free enterprise system and who—"

Mr. Martel: How did you get that in?

Mr. Cureatz: "—are ready and willing to give ample proof why farm land freeze will not produce the results which the pro-freeze advocates expect."

I'm surprised that many of the members on the other side have forgotten the true tradition of our common law spirit that has been brought forward from England in regard to property rights. There was a comment by the hon. member for Scarborough West: "What are we doing? Returning to 300 years ago?" He's forgotten, in my estimation, the tradition of our law and the tradition of our land and property rights.

Mr. Lewis: And what is that tradition?

Mr. Cureatz: There should always be a voice in respect of those people who own property to remind other people who are attempting to infringe on those kinds of rights that indeed we still respect them in 1977.

Mr. Lewis: You are bound to feudalism, my friend.

Mr. McClellan: Get out your suit of armour.

Mr. Makarchuk: Call him Squire Cureatz.

Mr. Lewis: That speech is what you call "1066 and All That."

Mr. Martel: Is the Minister of Housing (Mr. Rhodes) going to support this?

Interjections.

Mr. Speaker: There are five minutes left before we put the questions to the House.

Mr. Martel: You'd better give us the question right now.

Mr. Lewis: Let's put it anyway.

Mr. Makarchuk: Let's have some Tory speakers in support.

Mr. Lewis: I move we put the question, Mr. Speaker.

We can't do that? This is a shambles. Everything's stopped.

Mr. Speaker: According to the standing order, we can't put the question before 5.50.

Mr. Wildman: I didn't intend to speak on the bill but since we need to fill up some time, I'm willing to make a contribution to this debate. I just wanted to speak briefly on a couple of comments that have been made by the member for Durham East in regard to farmers and the need for more flexibility in obtaining land severances. I think that any rural member in this House recognizes that there is some difficulty, sometimes, in obtaining land severances for farmers and that has to be weighed, along with our desire to preserve prime farm land.

[5:45]

However, I think that the members should recognize that in most municipalities in relation to most plans, farmers who want to obtain one or two severances—especially if it involves a member of their family—can do so.

What we're concerned about is the fact that there is no limit in this bill, or appears to be no limit, on the number of severances or how the divisions will be made. For that reason I can't support the bill, and I hope that the bill will be defeated.

Mr. Lewis: Mr. Speaker, may I ask that you seek the unanimous consent of the House to take the vote now?

Mr. Speaker: I think that we should have unanimous consent to put the question before 5.50. Do we have the unanimous consent of the House to do so?

Some hon. members: No.

Mr. Lewis: Then get up and support it.

Hon. Mr. Drea: Mr. Speaker, may I rise?

Mr. Speaker: Order. The hon. Minister for Correctional Services will speak for two minutes.

Hon. Mr. Drea: Mr. Speaker, I rise in support of the bill presented by my colleague. I think it is an excellent bill. I think it comes to grips with one of the apparent problems

in the planning process, particularly at the level where most people are involved—and that is at the committee of adjustment.

I can understand the reluctance of many to dismantle the bureaucracy, especially when bureaucracy is close to their soul, but I believe an examination of the merits of the bill by my colleague from Durham East will show that it will be beneficial, that it will improve the Planning Act process whereby people can obtain remedial action, and that it does deserve the support of the House.

Mr. Speaker: Order. There are several questions to be decided at this time.

The House divided on Mr. Baetz's amendment to private member's motion 9, which was negatived on the following vote:

AYES	NAYS
Auld	Bounsall
Ashe	Bradley
Baetz	Breithaupt
Belanger	Bryden
Bernier	Charlton
Cureatz	Conway
Drea	Cooke
Eaton	Cunningham
Elgie	Davidson
Gregory	di Santo
Grossman	Epp
Henderson	Germa
Hennessy	Gigantes
Hodgson	Grande
Johnson	Hall
Lane	Lawlor
Maeck	Lewis
McCaffrey	Lupusella
McCague	MacDonald
McKeough	Mackenzie
McNeil	Makarchuk
Newman, W.	Martel
Norton	McClellan
Rhodes	McKessock
Rotenberg	Newman, B.
Rowe	Peterson
Snow	Philip
Stephenson	Reid
Taylor, J. A.	Riddell
Taylor, G.	Ruston
Timbrell	Samis
Welch	Smith, S.
Wells	Stong
Williams	Swart
Wiseman	Sweeney
Yakabuski	Van Horne
	Warner
	Wildman
	Worton

Ayes 36; nays 39.

Mr. Speaker: I declare the amendment lost.

[6:00]

The House divided on private member's motion 9, which was approved on the following vote:

AYES	NAYS
Auld	Ashe
Baetz	
Belanger	
Bernier	
Bounsall	
Bradley	
Breithaupt	
Bryden	
Charlton	
Conway	
Cooke	
Cunningham	
Cureatz	
Davidson	
di Santo	
Drea	
Eaton	
Elgie	
Epp	
Germa	
Gigantes	
Grande	
Gregory	
Grossman	
Hall	
Henderson	
Hennessy	
Hodgson	
Johnson	
Lane	
Lawlor	
Lewis	
Lupusella	
MacDonald	
Mackenzie	
Maeck	
Makarchuk	
Martel	
McCaffrey	
McCague	
McClellan	
McKeough	
McKessock	
McNeil	
Newman, W.	
Newman, B.	
Norton	
Peterson	
Philip	
Reid	
Rhodes	
Riddell	
Rotenberg	
Rowe	
Ruston	

AYES

Samis
Smith, S.
Snow
Stephenson
Stong
Swart
Sweeney
Taylor, J. A.
Taylor, G.
Timbrell
Van Horne
Warner
Welch
Wells
Wildman
Williams
Wiseman
Worton
Yakabuski

Ayes 74; nays 1.

Mr. Speaker: I declare the motion carried.

The House divided on the motion for second reading of Bill 89, which was negatived on the following vote:

AYES	NAYS
Auld	Bounsall
Ashe	Bradley
Baetz	Breithaupt
Belanger	Bryden
Bernier	Charlton
Cureatz	Conway
Drea	Cooke
Eaton	Cunningham
Elgie	Davidson
Gregory	di Santo
Grossman	Epp
Henderson	Germa
Hennessy	Gigantes
Hodgson	Grande
Johnson	Hall
Lane	Lawlor
Maeck	Lewis
McCaffrey	Lupusella
McCague	MacDonald
McKeough	Mackenzie
McNeil	Markarchuk
Newman, W.	Martel
Norton	McClellan
Rhodes	McKessock
Rotenberg	Newman, B.
Rowe	Peterson
Snow	Philip
Stephenson	Reid
Taylor, J. A.	Riddell
Taylor, G.	Ruston
Timbrell	Samis
Welch	Smith, S.
Wells	Stong
Williams	Swart

AYES	NAYS
Wiseman	Sweeney
Yakabuski	Van Horne
	Warner
	Wildman
	Worton

Ayes 36; nays 39.

Mr. Speaker: I declare the motion lost.

BUSINESS OF THE HOUSE

Hon. Mr. Welsh: May I indicate the order of business for next week.

There are two or three changes next week which have been necessitated in order to accommodate the activities of the newly-formed select committee dealing with the Inco situation.

On Monday in the House we will do the estimates of the Attorney General.

Tuesday's agenda is changed. In the afternoon on Tuesday we will continue with Bill 98. Once it has had second reading we will then go into committee of the whole to complete the work on Bills 99 and 98. Then, as already indicated by a motion earlier today, in the evening at 8 o'clock we will go through the private members' business dealing with the ballot items standing in the names of the members for Kent-Elgin (Mr. McGuigan) and Hamilton East (Mr. Mackenzie).

All day Thursday, afternoon and evening, has been set aside to, hopefully, complete the second reading debate on Bill 70, on which I have the understanding there will be a division bell at about 10:15 p.m.

On Friday, we will continue the estimates of the Attorney General. This is House work in addition, of course, to the committee work which has been posted.

The House recessed at 6:05 p.m.

APPENDIX

(See page 1951)

32. Mr. Ziemba—Inquiry of the ministry: What percentage of all first-time home buyer's grants have been audited to date? What percentage of these audited grants have been found to have been paid in error? What criteria determine which grants are investigated; for example, the location, the age of the buyer, the purchase price, the riding in which the home is located, the down payment, the purchaser's country of origin or is it a random audit? Also, kindly provide a breakdown of the second and third payments of \$250 that have been paid out in error. (Tabled November 1, 1977.)

Answer by the Minister of Revenue (Mrs. Scrivener):

As of October 31, 1977, approximately 40 per cent of all grant applications have been subjected to a field audit. Total ineligible recipients discovered is 2.9 per cent of the total number of applicants. Tests and projections of the balance of the applications show a greatly reduced yield, such that the percentage of those grants requiring recovery is expected to drop to 2.5 per cent or even lower. Criteria for the audit are those used in normal audit procedures. With reference to grants now under recovery involving payment of supplementary grants, those situations where a grant was found not to be in order represent a minuscule percentage of the total.

33. Mr. Warner—Inquiry of the ministry: Will the Treasurer table all submissions prepared by each ministry in response to the recommendations of the royal commission on Metropolitan Toronto for presentation to the Treasurer of Ontario, including information prepared by the Ministry of Treasury, Economics and Intergovernmental Affairs? (Tabled November 3, 1977.)

34. Mr. Warner—Inquiry of the ministry: Will the Treasurer also list those ministries who do not intend to make a response to the Treasurer of Ontario regarding the recommendations of the royal commission on Metropolitan Toronto, and list reasons for there not being a response to the Treasurer of Ontario? (Tabled November 3, 1977.)

Answer to questions 33 and 34 by the Treasurer (Mr. McKeough):

I have canvassed my colleagues in cabinet asking for their views and there is the normal interministerial staff discussion on matters of this kind. The results of cabinet consideration of these important issues will be communicated to the House in due course. No sub-

missions have been received from the ministries, nor are any expected, including the TEIA ministry.

35. Mr. Foulds—Inquiry of the ministry: How much land in or near the vicinity of the Parkdale subdivision area in Thunder Bay has OHC purchased in the past 10 years? How much of this land has been sold at "market" value? What was the original purchase price of the land? What is the expected total revenue from the sale of the land? How much profit, if any, does OHC expect to realize by the sale of this land? (Tabled November 3, 1977.)

Answer by the Minister of Housing (Mr. Rhodes):

Ontario Housing Corporation, in the past 10 years, has purchased 158.4 acres of land in or near the vicinity of the Parkdale subdivision area in Thunder Bay. None of this land has been sold at "market" value. The original purchase price of the land was \$269,280.

The planning of this property will not be determined until several critical factors are resolved, for example, location and funding of a trunk sewer extension; acquisition by the city of property for a bridge to provide access to the site and the adjoining properties; and the location of a secondary access. It is therefore not possible to estimate, at this time, the total revenue or profit to be realized from the sale of the land.

36. Mr. Foulds—Inquiry of the ministry: How many OPP security officers were used for the surveillance of the October 14, 1976, day of protest demonstrations against the federal government's AIB program? Were any officers used in cities other than Thunder Bay? If so, in what locations, and how many? Why did the Solicitor General feel it necessary to have these demonstrations monitored by OPP security officers? What information was filed as a result of this surveillance? (Tabled November 3, 1977.)

Answer by the Solicitor General (Mr. MacBeth):

Three security branch members were assigned surveillance duties during the October 14, 1976, day of protest demonstrations against the federal government's AIB program. Two members were stationed at Queen's Park and one was stationed at Thunder Bay. The surveillance activities were directed to those who may breach the peace. There were no incidents and no reports filed.

CONTENTS

Thursday, November 17, 1977

Supplementary estimates, the Honourable the Lieutenant Governor	1933
Point of privilege re remarks made on non-profit housing, Mr. Rhodes	1933
OHIP headquarters, statement by Mr. Timbrell	1933
Commercial vehicle registration fees, statement by Mr. Snow	1933
Streetcar contract, statement by Mr. Snow	1934
Observance of rules, Mr. Speaker	1935
Truck weight regulations, statement by Mr. Snow	1935
On point of privilege previously raised re newspaper report, Mr. Stong	1936
Ministerial apology, B. Stephenson	1936
Hydro contracts, questions of Mr. J. A. Taylor: Mr. S. Smith, Mr. Lewis	1936
Activities of RCMP and militia, questions of Mr. McMurtry: Mr. S. Smith, Mrs. Campbell	1938
Children's services, questions of Mr. Norton: Mr. Lewis, Mrs. Campbell, Mr. McClellan	1939
Pipe production, questions of Mr. Davis: Mr. Lewis, Mr. S. Smith, Mr. Kerrio	1940
Crown attorneys, questions of Mr. McMurtry: Mr. Stong	1941
Use of medical data, questions of Mr. Timbrell: Mr. Deans	1942
Hydro observers in House, questions of Mr. J. A. Taylor: Mr. Peterson	1943
Sudbury police dispute, questions of Mr. MacBeth: Mr. Martel	1943
Highway 11 contracts, questions of Mr. Snow: Mr. G. E. Smith	1943
Streetcar contract, questions of Mr. Snow: Mr. Mancini	1944
Pipe production, questions of Mr. Bennett: Mr. Swart, Mr. Kerrio	1944
Visit of the Hon. Giulio Andreotti, Prime Minister of Italy: Mr. Davis, Mr. S. Smith Mr. di Santo	1945
OHC occupancy policy, questions of Mr. Rhodes: Mrs. Campbell	1947
Garfella investments, questions of Mr. McMurtry: Mr. Philip	1947
Land clearing program, questions of Mr. Bernier: Mr. Reid	1948
Day care, questions of Mr. Norton: Mr. McClellan, Ms. Gigantes	1948
Report, standing public accounts committee, Mr. Reid	1949
Report, standing administration of justice committee, Mr. Philip	1949
Report, standing general government committee, Mr. Gaunt	1949
Motion re supplementary estimates, Mr. Welch, agreed to	1949
Motion re Business of the House, Mr. Welch, agreed to	1950

Highway Traffic Amendment Act, Mr. Snow, first reading	1950
Condominium Amendment Act, Mr. Leluk, first reading	1951
Employment Standards Amendment Act, Mr. Mackenzie, first reading	1951
Tabling answers to written questions 32, 33, 34, 35 and 36, Mr. Welch	1951
Private Members' Business Re Toxic and Hazardous Substances Act	1951
Property Tax Exemption for Elderly and Disabled Persons, Mr. di Santo, Mr. Ashe, Mr. Sargent, Ms. Bryden	1951
Re disposition of The Audit Act	1957
Private Members' Business re Property Tax Exemption, continued, Mr. Baetz, Mr. Sweeney	1958
Planning Amendment Act, on second reading, Mr. Cureatz, Mr. Hall, Mr. Makarchuk, Mr. G. Taylor, Mr. Riddell, Mr. Germa, Mr. McKessock, Mr. Wildman, Mr. Drea	1961
Business of the House, Mr. Welch	1973
Recess	1973
Appendix, answers to written questions	1974

SPEAKERS IN THIS ISSUE

Ashe, G. (Durham West PC)
Auld, Hon. J. A. C., Chairman, Management Board of Cabinet (Leeds PC)
Baetz, R. C. (Ottawa West PC)
Bennett, Hon. C.; Minister of Industry and Tourism (Ottawa South PC)
Bernier, Hon. L.; Minister of Northern Affairs (Kenora PC)
Breithaupt, J. R. (Kitchener L)
Bryden, M. (Beaches-Woodbine NDP)
Campbell, M. (St. George) L
Conway, S. (Reifrew North L)
Cureatz, S. (Durham East PC)
Davis, Hon. W. G.; Premier (Brampton PC)
Deans, I. (Wentworth NDP)
di Santo, D. (Downsview NDP)
Drea, Hon. F.; Minister of Correctional Services (Scarborough Centre PC)
Eakins, J. (Victoria-Haliburton L)
Eaton, R. G. (Middlesex PC)
Edighoffer, H.; Deputy Speaker (Perth L)
Gaunt, M. (Huron-Bruce L)
Germa, M. C. (Sudbury NDP)
Gigantes, E. (Carleton East NDP)
Haggerty, R. (Erie L)
Hall, R. (Lincoln L)
Havrot, E. (Timiskaming PC)
Hennessy, M. (Fort William PC)
Kerrio, V. (Niagara Falls L)
Laughren, F. (Nickel Belt NDP)
Leluk, N. G. (York West PC)
Lewis, S. (Scarborough West NDP)
MacBeth, Hon. J. P.; Provincial Secretary for Justice and Solicitor General (Humber PC)
Mackenzie, R. (Hamilton East NDP)
Maeck, L. (Parry Sound PC)
Makarchuk, M. (Brantford NDP)
Mancini, R. (Essex South L)
Martel, E. W. (Sudbury East NDP)
McClellan, R. (Bellwoods NDP)
McKeough, Hon. W. D.; Treasurer, Minister of Economics and Intergovernmental Affairs
Chatham-Kent PC)
McKessock, R. (Grey L)
McMurtry, Hon. R.; Attorney General (Eglinton PC)
Newman, B. (Windsor-Walkerville L)
Norton, Hon. K.; Minister of Community and Social Services (Kingston and the Islands PC)
Peterson, D. (London Centre L)
Philip, E. (Etobicoke NDP)
Reid, T. P. (Rainy River L)
Rhodes, Hon. J. R.; Minister of Housing (Sault Ste. Marie PC)
Riddell, J. (Huron-Middlesex L)
Rotenberg D.; Acting Speaker (Wilson Heights PC)
Ruston, R. F. (Essex North L)
Samis, G. (Cornwall NDP)
Sargent, E. (Grey-Bruce L)
Smith, G. E. (Simcoe East PC)
Smith, S.; Leader of the Opposition (Hamilton West L)
Snow, Hon. J. W.; Minister of Transportation and Communications (Oakville PC)
Stephenson, Hon. B.; Minister of Labour (York Mills PC)
Stokes, Hon. J. E.; Speaker (Lake Nipigon NDP)

Stong, A. (York Centre L)

Swart, M. (Welland-Thorold NDP)

Sweeney, J. (Kitchener-Wilmot L)

Taylor, G. (Simcoe Centre PC)

Taylor, Hon. J. A.; Minister of Energy (Prince Edward-Lennox PC)

Timbrell, Hon. D. R.; Minister of Health (Don Mills PC)

Villeneuve, O. F. (Stormont-Dundas-Glengarry PC)

Warner, D. (Scarborough-Ellesmere NDP)

Welch, Hon. R.; Minister of Culture and Recreation, Deputy Premier (Brock PC)

Wildman, B. (Algoma NDP)



No. 53

Legislature of Ontario Debates

Official Report (Hansard)
Daily Edition



First Session, 31st Parliament

Thursday, November 17, 1977

Evening Sitting

Speaker: Honourable John E. Stokes

Clerk: Roderick Lewis, Q.C.

CONTENTS

A list of the speakers taking part in the debates in this issue of Hansard appears, in alphabetical order, at the back of this issue.

Daily contents of proceedings also appears at the back of this issue. Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff. Phone 965-2159.

Hansard subscription price is \$15.00 per session, from: Sessional Subscription Service, Printing Services Branch, Ministry of Government Services, 9th Floor, Ferguson Block, Parliament Buildings, Toronto M7A 1N3. Phone 965-2238.

Published by the Legislature of the Province of Ontario.
Editor of Debates: Peter Brannan.

LEGISLATURE OF ONTARIO

THURSDAY, NOVEMBER 17, 1977

The House resumed at 8:15 p.m.

BUDGET DEBATE

Mr. Speaker: The hon. member for Haldimand-Norfolk had the floor.

Mr. G. I. Miller: Mr. Speaker, it's certainly a pleasure for me to continue the budget debate tonight; it must be two weeks ago tonight when I began, I believe.

Mr. Ruston: A long time for the hon. member to speak.

Mr. G. I. Miller: I've been ready. They had me up, they had me down, had me on and had me off, but tonight I have the opportunity of finishing the remarks I would like to contribute to this House on behalf of the riding of Haldimand-Norfolk.

Mr. Samis: Just make sure it is worth waiting for.

Mr. G. I. Miller: It is one of the finest areas in Ontario, I must say, Mr. Speaker: It is certainly a pleasure for me to bring these remarks to you tonight and be able to participate in the democratic system.

After 35 years of Conservative domination I think it's time for a change and I'm glad to see our ex-Speaker in the House. I think with the Liberal caucus we have today with a few more additions we could just go over Ontario and do a heck of a good job for the province.

Mr. Samis: It's one of those nights.

Mr. G. I. Miller: I would like to start out tonight by taking us back a little bit to the past election. The Premier of Ontario (Mr. Davis) visited Simcoe and he made promises. We have the towns and development in our area. We have South Cayuga—which along with Pickering and Edwardsburgh contributed to the spending of something like, I don't know, it must be close to \$300 million. Pickering, of course was the biggest expenditure—something like \$240 million—and the government hasn't utilized that yet. I think it just indicates that the Hon. John White, the Treasurer of the day, misled us on the requirements of the province and perhaps over-extended himself. The fact is he picked up four town sites and two of those happened to be in my riding.

It is an interesting time to be involved in the democratic system, in the political aspect of Ontario, because we are perhaps in the most difficult times. Going back as far as the Thirties—and everybody thinks I may be a young guy but I can well recall the Thirties, when 25 cents was 25 cents. If you had a nickel on Saturday night to go to town with you thought yourself real lucky.

Mr. Maeck: That must have been when the Liberals were in power.

Mr. G. I. Miller: I think we want to make sure we spend our dollars well. I would like to say the Premier promised that we'd get back the Townsend town site. He made a promise back in the election campaign—June 9, in the charter, it all came out. He came into my riding and he made a lot of comments about my potential and the potential of the other candidates—and I think I mentioned the other night that we did have a good campaign. The people spoke. I feel proud to represent the riding and I intend to do that to the best of my ability.

On his visit to Simcoe during the recent election campaign the Premier promised that the 10 existing municipalities in my riding would be allowed to get the growth they needed until this new Townsend town site was initiated. Every day in my riding of Haldimand-Norfolk we have a constant effort on the part of the government and their high-powered public relations people, promoting an early start for the Townsend site.

I would say I'm not against it beginning, if it's needed, but I'm not in favour of it until that point in time.

I think they have a plan, and the initial stages have been finalized.

I might point out, too, the members of that committee include the hon. member for York North (Mr. Hodgson) and I think the former member, the hon. James Allan, for whom I have a lot of respect. It's made up of some five local people including the mayor of Nanticoke. I think it's very important that either my colleague, the hon. member for Brantford-Oxford-Norfolk (Mr. Nixon) or somebody who is a little closer to the people should be on that committee to represent the wishes of the people—so that we have good local input

by the people elected from that particular area.

Surveys have been made of the existing municipalities. On a Sunday afternoon there's no finer place in Ontario than Haldimand-Norfolk if you want to take a drive.

Mr. Wildman: Sunday afternoons?

Mr. G. I. Miller: Norfolk county is sandy. We grow tobacco, we grow apples—you name it; we can do it in Norfolk. Haldimand county is not quite so fortunate—

Mr. Makarchuk: Some of them are diversifying into grass.

Mr. G. I. Miller —but we do have the Grand River which is a real asset. Haldimand county in particular has sat dormant for years.

Mr. Haggerty: Dormant?

Mr. G. I. Miller: It has been dormant, but it's beginning to move now. It will stay dormant, I assure you, unless the government gives us some support. We have to have some assistance.

We have towns like Dunnville with a population of 5,000 people, and I think it has a capacity to grow to 10,000. We have Cayuga, which hasn't been recognized but has been the county town of the former county of Haldimand, now the region of Haldimand-Norfolk, with about 1,000 people. Caledonia, Hagersville and Jarvis.

In Norfolk we have Port Dover, we have Simcoe. We have Waterford, we have Delhi and we have Port Rowan. I think in all those municipalities we have a potential for roughly 25,000 or 30,000 people. I think they've already committed themselves to an expenditure of \$12 million to upgrade the services in Dunnville, in Caledonia, in Simcoe, in Port Dover, in Waterford, and in Delhi.

Mr. Haggerty: Not 300,000 like White had it.

Mr. G. I. Miller: I think we wouldn't be doing justice to that particular area if they weren't given the opportunity to grow, to have people come in to help pay for those services, without the beginning of the Towns-end town site.

I think the Premier indicated that it would grow, under the direction of the regional council. And, I think under Keith Richardson, who was elected by the people. He was nominated by the regional council, which I think was one of the first regional councils in Ontario that had an elected chairman. I think that is a step in the right direction. In order to make our regional municipalities work, we have to make sure the democratic system works. Then we will get effective government. I think this applies not only to

my region, but also to the province of Ontario.

Of course, we have to sell it to the people and we have to earn that right. And that's not easy.

Mr. Baetz: You can say that again.

Mr. Maeck: You guys have made it hard to sell.

Mr. G. I. Miller: Not really, not when you've got the talent. As I look around my caucus, I think we have the talent.

Mr. Samis: Where is it?

Mr. G. I. Miller: Tonight they're not here, but I'll tell you, they're working someplace. You have to admit that, George.

Mr. Makarchuk: At the old fish market?

Mr. G. I. Miller: They're working. It's been a long day today.

Mr. Wildman: Murray, did you hear what he said? They're not here tonight. The talent's not here tonight.

Mr. Makarchuk: Are they down at the Sheraton with PET?

Mr. Speaker: Will you please allow the hon. member for Haldimand-Norfolk to continue uninterrupted?

Mr. G. I. Miller: Thank you, Mr. Speaker.

Mr. Makarchuk: We would like to accuse him of being provocative.

Mr. G. I. Miller: I do not say that ultimately a new town will not be needed in that area of Ontario, in my riding of Haldimand-Norfolk but let orderly growth proceed in the existing communities, assisting them to absorb, for the present, those who are coming into the area by providing proper water and sewage systems. I think we should spend that money in the area, rather than spending it in advertising to promote existing towns. I think that the province of Ontario should be considered as another developer. They shouldn't be able to take advantage of public funds to promote and take advantage of the existing municipalities. That is a must.

Mr. Makarchuk: You're going to get your hands caught in the cookie jar the way you talk.

Mr. G. I. Miller: Do you think I will, Mac? We'll see about that.

The cost of this would be far less than the cost of development of what will prove to be a ghost town for years to come. That's what I'm concerned about.

Mr. Gaunt: My colleague has always been adept at putting his hands into cookie jars.

Mr. G. I. Miller: Get them into a specific area, rather than spreading them throughout a community. That provides no scope for en-

richment or enlargement of their interests, beyond what the present situation offers. The same could be said to be true of the totally industrial-oriented society placed in the centre of an agricultural area.

I would like to point out that this has been an agricultural area; it perhaps still could be. We have an industrial park of 6,500 acres which is owned by Stelco and is being developed by Stelco. We have the Texaco oil company which owns 1,400 acres and they already have their pipeline hooked up.

Mr. Makarchuk: Don't forget about the fish plant, and the fish market.

Mr. G. I. Miller: They're a good outfit, Mac. The member for Brantford utilizes those services down at Port Dover and he has to admit they're pretty good. For a Socialist and a guy who owns a boat, I don't know.

Mr. Makarchuk: Don't forget the herring.

Mr. G. I. Miller: It is a tremendously interesting area and it certainly provides much employment over a period of time, especially now. I think Texaco is employing something like 3,200 people; they've peaked at 3,500. When they come on stream I think it's about 300 that they will employ. Stelco, I think, are employing something over 2,000.

Hydro, of course, are supposed to be completely on stream by 1978. They're topping off now, but again, they're having problems with their equipment as you all know. Last year they had difficulties with some of their generators and some of their material that was provided. I might say it was imported from overseas, Great Britain, perhaps. It has caused considerable problems, however, the potential is there. It will be perhaps the world's largest fossil-fired generating station, producing some four million kilowatts.

Mr. Maeck: What about all that black smoke?

Mr. G. I. Miller: Black smoke? They're certainly going to require coal. They have depended on the American market, but now they are changing over to western coal and they are blending it in.

Mr. Makarchuk: And you have an expert from the United States.

Mr. G. I. Miller: Okay, getting back to the ranch.

New people in this region should be integrated and involved in the existing community. They should become acquainted and involved in the existing community. They should become acquainted with and mellowed to the life of this area, rather than creating an island of immigrants.

Caledonia, Dunnville, Cayuga and Hagersville in the County of Haldimand, Jarvis and Port Dover, the city of Nanticoke and Waterford, Delhi, Port Rowan and Simcoe need encouragement and revitalization. They need new industry to create new jobs for those who are presently unemployed in the area and to provide a better and more evenly balanced tax revenue. Traffic can be kept to a minimum if work is provided in existing towns. This is important once Stelco comes on stream with their—

[8:30]

Mr. Makarchuk: Not if the Liberals cut them off at the pipe.

Mr. G. I. Miller: —industrial park. That's really what they are providing that plant for. It has been geared all along for them to provide the raw materials required for the pipe.

Mr. Makarchuk: That's right and the Arabs are giving that to the Americans.

Mr. Speaker: The hon. member for Brantford is about fourth on my list.

Mr. Haggerty: You would never know.

Mr. G. I. Miller: Again, Mr. Speaker, I would like to indicate the industrial park area is zoned heavy industry. It is important we keep heavy industry in that particular area and I would expect and hope the other industries, like commercial and light industrial, would be provided for the existing municipalities. I cannot speak exclusively for my riding but we do have the 10 existing municipalities which need work, which need employment opportunities. They should be, and I think they will be located there under the leadership of the present council. They will provide the industrial areas so necessary to provide that work.

I might point out too, to provide a lifeline to the area especially from Port Colborne—and I think my colleague from Erie will support the idea—we do need a new route from Port Colborne to the industrial park. There is no significant east-west transportation corridor. It is strictly provided in my riding of Haldimand-Norfolk by the region of Haldimand-Norfolk and I don't think we can expect the region to pick up all the expenses of providing transportation. It has to be up to the province to provide an east-west corridor. They provided the QE and of course, where you get an expressway such as that, it attracts the development.

In order to provide the development, say, along the Grand River, up to the town of Dunnville, you have to provide an east-west corridor. Not that old winding, scenic

route, beautiful if you want to go for a Sunday afternoon drive. If you want to provide a service, it has to be upgraded and it has to be on the priority list as far as this government is concerned. If the Minister of Transportation and Communications (Mr. Snow) is here tonight, and even if he isn't, I hope he gets the message because I think it is a necessity.

These towns are a part of the heritage of this region and they cannot be ignored. We have 10 existing municipalities and they cannot be ignored; I have to speak out on their behalf. The Premier promised Townsend would not go until the people wanted it. It is still very fresh in their mind and I challenge him and his government to keep this promise. The dollars being spent for most of this dream city could be better spent now in updating and improving facilities in existing municipalities.

A new school is being provided in the village of Jarvis and it has long been needed; the contract has just been let. Hopefully the Lions' Club, which has wanted a new project, could see that a swimming pool is connected with this school with input from the community. We would be one of the first in that particular region to have a facility with a swimming pool. Our boys and girls might be able to learn to swim at an early age. I know it's going to be costly.

Mr. Hennessy: How about allowances?

Mr. G. I. Miller: Allowances? I would hope there could be some funding available from Wintario or Community and Social Services, but I would certainly like to see this develop along with the school so that it can be tied in. Many swimming pools provided by many clubs can be utilized only four months of the year, whereas if we had one in connection with the school it could be a community facility. I think this is the philosophy of the Minister of Education (Mr. Wells).

The school is funded by public money, it should be utilized by the community as a whole—not only by the young students but by everyone in the community. I would think it a step in the right direction and I would hope this might be built in my home town of Jarvis.

We have many other schools. We have a good secondary school at Cayuga. We have good secondary schools in Caledonia, in Dunnville, in Simcoe, in Port Dover, and in Valley Heights, at the far end of the Norfolk riding. So we are well equipped with schools.

As we all know, the school population is going down; I don't know what is the matter

with our folks, they don't seem to be raising the families we did. There is a time and a place for everything, and you can wait too long.

Mr. Hennessy: They don't have the time.

Mr. G. I. Miller: Too much television? However, they are good, first-class facilities and I would hope the existing municipalities might be utilized so we don't have to bus them all over the riding. The existing municipalities could be expanded and those facilities utilized.

Caledonia, for instance, has a small high school, but it produces some of the finest students in Ontario. They would like to turn that school into a public school and build a new school. They have the site there and everything needed for a new secondary school, but the population doesn't warrant the expense.

Caledonia is on the Grand River, one of the finest streams in southern Ontario—it was the highway 100 years ago, but we can't get up past Dunnville under our present system. I think it has to be—

Mr. Makarchuk: It is a reflection of Tory rule for 35 years.

Mr. G. I. Miller: That is right, 35 years is too long.

Mr. Makarchuk: It took God millions of years to put the river in there and they screwed it up in 35 years.

Mr. G. I. Miller: That's right, so true. I think there is a possibility for development and we have to take these things into consideration.

The grant for educational purposes received in a rural area such as Haldimand-Norfolk does not enable these boards to provide anything in the way of extra facilities or enriched programs such as are enjoyed by large urban centres. Most of the children must be bused to school and the major portion of the school budget must therefore be spent in the cost of transportation. For instance, the Haldimand board of education's 1977 budget for school busing is \$797,472, and the Norfolk board of education's budget is \$1,071,387. You can see, Mr. Speaker, that it is a significant cost.

I realize that the province subsidizes the busing facilities and I appreciate that. But it still comes out of the members' pockets and my pocket, and I think it has to be a consideration.

The total overall budget for education in Ontario is about 25 per cent of the \$13 billion provincial budget. We think it may be free, but actually it isn't free, because we

all have to contribute towards it. As a legislator at Queen's Park, it is a concern of mine.

Expansion through growth in population and industrial growth would allow these boards the full use of their facilities through increased tax revenue. Full classrooms would be a more economical use of these existing schools.

There is a need for a water system for the communities in the area surrounding the Nanticoke development. And I must point out Hagersville has the poorest water quality of any municipality in Ontario. It is sulphurous. We have an adequate supply, but it is tremendously hard, and there within 12 miles—I think the pipeline comes two miles into Texaco property, that's about nine miles—they could be hooked into the water intake at the Nanticoke generating station. I give the government credit—when they put in the water intakes to supply water for the generating station they put in an oversized one so that it would supply not only the region of Haldimand-Norfolk, but I think it would even supply water to that good city of Brantford—

Mr. Makarchuk: Not only Brantford, but Kitchener as well.

Mr. G. I. Miller: That's right. I think the potential there is for something like 450 million gallons per day.

Mr. Haggerty: Ten years ago that plan was born.

Mr. G. I. Miller: I can understand why Brantford doesn't want the water. I had an opportunity to take a tour of the Grand River conservation authority area just a month or so ago.

I looked at the water that supplies Brantford and, so help me, before they do anything with it, there's water back some place—I wouldn't want to say it—that doesn't look very good. It's poor quality. After they run it through the fan mill, through the sand and everything, it comes out as A-1 quality. They can produce that water at 22 cents per thousand gallons and it may even go up to 25. The province puts in this water intake and sells it to the region of Haldimand-Norfolk for 85 cents per thousand gallons wholesale. When the region gets done providing it to the community, it's going to cost them about \$1.13.

Mr. Makarchuk: The Tories will rip you off even on the water.

Mr. G. I. Miller: You're right and it's free water. Everybody owns that resource. I've also made a resolution in the last House and I intend to put it on the order paper this time that everyone should have the right to a good supply of clean water.

Mr. Ziemba: Even Brampton.

Mr. G. I. Miller: Why should we have water like this in Toronto and why should I in my riding of Haldimand-Norfolk have to drink that old sulphur water when it's right there? You can get your hands on it but you can't put the pipe in because they say it's going to cost 85 cents per thousand gallons, whereas in the rest of Ontario, and I think we've researched it out, it averages about 52 cents per thousand.

I think it has to be an injustice that the region signed a contract with the province to accept this water at 85 cents per thousand gallons at a wholesale rate and will retail it to the municipalities for \$1.13. It is a bit of a ripoff and I would like to have that investigated. If I stay here long enough, they'll answer for that.

Mr. Haggerty: You will be here for a long time.

Mr. Ruston: As long as you want to be.

Mr. G. I. Miller: That's Gordon Sinclair's water. What does Gordon Sinclair say they put in that?

Mr. Gaunt: Fluoride.

Mr. G. I. Miller: We won't say what he says but anyway you'll keep your teeth. We have that water intake there. They have the pipeline into Texaco. They put a 17- or 18-inch line into Texaco. The water is already in there now. They could have extended that on to Jarvis down the Hydro right of way to Hagersville but they didn't do that. They said, "No, it can only go there and then we'll have to run another pipeline because the Townsend town site is there." They've spent \$30 million on it. "We have to justify that expenditure, so we'll have to run the pipeline in a different direction so that you can use that for leverage."

We met with the Board of Trade from Jarvis last Wednesday night. Jarvis is an existing municipality of about 1,000 people and the business people there would like to see Jarvis have some growth to promote a business section that could be viable. They indicated they should be allowed to grow perhaps to 4,000, and at that time maybe bring Townsend on stream.

They're really concerned with the fact that the Treasurer might take the knife and say the government has no more money. He is the chief planner for Ontario. I think our former leader pointed this out many times that he controls the purse strings. I think it has to be ridiculous that one man can control the purse strings for Ontario. I indicated to that group that in my opinion

the Treasurer—and I respect his ability—shouldn't have that power.

It's our money and he shouldn't be able to control it, and control the development in Ontario by his expenditures. He shouldn't have that right. I don't think he will have that right. As I indicated to them, I don't think he will utilize that strength because it's a democratic system. I hope the democratic system will always prevail for the best interest of everyone in Ontario.

The need for a water system for the existing communities in the area surrounding Nanticoke and the Nanticoke development is now. These communities should be allowed to reach their potential but they are hampered by a poor and inadequate supply of water. The ministry has promised these communities will be included when the services are developed for the Townsend town site. It is our contention that for the present time the service for Townsend is not needed but water services for Jarvis and Hagersville and other municipalities are an immediate need.

Mr. Makarchuk: Not in Port Dover. They've found a replacement for water.

[8:45]

Mr. G. I. Miller: I will say, Mac, they have enough water in Port Dover to expand their population from the present 4,000 up to 12,000. They can do it cheaper than any place else in the region of Haldimand-Norfolk. They have an adequate supply of water. They have a sewage disposal system which is adequate to take care of that development. It has already been put in. Dover has a good supply of water.

Mr. Makarchuk: They don't drink too much.

Mr. G. I. Miller: That's questionable, a lot of people do.

I suggest with the water intake presently in existence it is feasible to go ahead with a water system that will ultimately service Townsend but can immediately be used to service these existing communities. If a start must be made on Townsend, then let the water system be started, but delay the town proper until the municipality of Haldimand-Norfolk indicates there is a need for it.

Surely the people of this area deserve some advantage from the industrial complex now in the construction stages. As I indicated, I think the Stelco dock has been completed. They have spent a tremendous amount of money and I am convinced they will come on stream in time, perhaps by

1979 or 1980. They can provide steel for the pipeline which is going to service the northern part of Canada and provide the energy we so desperately need.

It is and has been our understanding that the intake at Nanticoke from Lake Erie and close to the mouth of the Niagara Creek is to be used as a water source for the Townsend site. As I pointed out, it is designed for not only Townsend, and not only for the region of Haldimand-Norfolk, but for the area along the Grand River as far up as Kitchener.

I might just comment, for a moment. I don't think the region of Haldimand-Norfolk should be expected to pay the entire cost for a development of that magnitude. My concern for my riding is the need for water. I am also concerned that the quality of water, be it for Townsend or existing communities, be protected and improved.

Over the past months in Haldimand-Norfolk there has been a hearing of the environmental board with regard to the possibility of locating a toxic waste disposal system on a farm located near the industrial complex and on Nanticoke Creek just up stream of the location of the proposed water intake—well, it is not proposed, it is already there and I have already spoken about this. The effluent from this proposed waste disposal site is to be let off, under ministry supervision, into Niagara Creek and thus into Lake Erie.

Again, Mr. Speaker, this is a real concern of mine. I have discussed it with the Minister of the Environment (Mr. Kerr) and he accuses me of playing politics with this. I assure you, sir, I don't use it politically. I think we have to listen to the people. The other day during a discussion I had with him he said he would like to dump it in my car or in my home or wherever. I will say I think it is a concern. It is a serious problem we have to deal with. I think it is up to the minister to provide leadership. I would like to co-operate with him. I would like to make it known now that I want to co-operate with him so we can protect the environment of Ontario.

Despite the assurance of checks by the ministry, there are no 100 per cent guarantees against the possibility of spills and leaks and problems with flooding. As all members know, we have had a tremendous amount of rain in September. This certainly should create problems. The plan is they would provide a lagoon and a landfill site to take care of our waste. They indicate we

can't do it any other way, but I think there are alternatives.

They are putting highly poisonous material into the water system. The landfill site is located within a few hundred feet of the Niagara Creek and the creek enters Lake Erie at a point just a few thousand feet from the mouth of the water system intake. As you know, I have spoken on the fishing industry in Lake Erie many times. This provides over 50 per cent of the freshwater fish for Ontario. I don't think we need another lake from which the fish aren't suitable for human consumption. I think there are now some 130 lakes and streams in Ontario from which it is questionable we can eat the fish. I think that is a precious resource. It is providing a living for many people at Port Dover and Port Maitland—all along the Ontario side of Lake Erie—and has provided a living there for many years. We have to protect that resource, and I know we have the potential to do that.

I can appreciate the ministry's feeling that it must push for this site, having granted a loan of some \$500,000 to the firm involved for the building of this proposed plant. However, evidence provided by the various concerned citizens' groups and the region itself indicates many reasons why this proposed site should not be given a go-ahead. It also has left questions in the minds of people in the area as to the credibility of the firm involved in the light of evidence of its parent company's operations in the United States. Again it's an American firm.

In Ontario we have the technology and the education system; and, rather than giving a payoff for that service from the States, I think we could keep our money in Ontario and in Canada and develop our own technology.

As the opposition party in Ontario, we would like to have some constructive input. Hopefully, the minister might listen to our proposals and suggestions and we can come up with a solution to the problem.

The proposed site is presently zoned agricultural and has been a viable farm operation for many years. Concerns have been expressed over the need to keep agricultural land in production, and yet in my riding we have two large parcels of land owned by the government, South Cayuga and Townsend, and now there is a future proposal to turn farm land into a waste disposal site.

We appreciate that this government has seen some of the errors of its ways in parceling up the South Cayuga site and renting it

back to farmers of the area. Townsend should remain in the same state for a good period of time unless—and I would like to make this very clear—unless there is a need for it and unless the region itself indicates that they would like to see it developed.

The basic industry in the area has been agriculture. We have the Norfolk Co-op. We have the Haldimand Co-op. We have the farm machinery dealers. They depend on that farming community for their existence. Until there's a need, I think we can blend both rural and urban together and make it a better place to live.

As I see these boys and girls sitting around the Speaker here tonight, I am reminded that there is no finer place to raise a family than in a rural area. When it comes to getting a job, I think any boy or any girl who has been raised on the farm is going to be selected as soon as anybody else; in fact, they might have a little priority because they know how to work and how to get along—and that doesn't hurt any one.

I think it's important that we keep a blend between urban and rural. In terms of our balance of trade, rather than having 80 per cent of our peaches imported and 20 per cent produced in the Niagara Peninsula, we should be encouraging our agricultural industries to produce and to be competitive.

Again I would like to point a finger across the House at the government for not recognizing the problem. When we met the Minister of Agriculture and Food (Mr. W. Newman) in the committee considering his ministry's estimates the other night, our agriculture critic, the member for Huron-Middlesex (Mr. Riddell) indicated we have been critical, but that they have turned around. They've got this new pin which will identify anything that's produced in Ontario.

I think it's a step in the right direction to indicate that something has been produced or grown here. But I believe it came about because the opposition has been strong enough to make the government listen. We have a strong agricultural background in our caucus, and we can speak out strongly on behalf of agriculture, which again is the very fibre of Canada and Ontario. We shouldn't allow it to deteriorate; we should encourage it.

We're only spending one and a half per cent of our budget on agriculture, which I think has to be a little bit ridiculous. I realize the farmers do not want to be subsidized; they want to be independent. But we still have to recognize that agriculture is going to be an important factor in feeding the world. The countries that currently produce oil are going

to have the money to trade off for agricultural produce, and I think we have to protect that, we have to have those products to sell and I am pleased to see the Minister of Agriculture and Food and the Premier (Mr. Davis) trying to promote sales of agricultural produce around the world. This has taken place under the encouragement of a minority government and we should take some credit for it.

There is also a garbage or a waste disposal crisis around Ontario. They're looking for sites. There's one for Hamilton, just located along our border, at Glanbrook, I believe it is. I think there's one down by Chatham. There's one up by Owen Sound. There's one in the riding of Halton-Burlington. They're having hearings at the present time.

Of course, nobody wants the garbage. It is a problem. It's the Minister of the Environment's responsibility to deal with it and he is trying to deal with it, but hearings are taking place. It is costing the taxpayer a lot of inconvenience, a lot of money.

There is a garbage crisis in Ontario and it is increasing severely. In March 1977, there were 22 applicants for new garbage dump sites filed with the Ministry of the Environment. The issues on new garbage dumps: number one, no one wants a garbage dump nearby but we all create garbage; number two, garbage dumps pollute land; number three, garbage dumps pollute water; number four, garbage dumps degrade the area; number five, garbage dumps devalue the surrounding properties. This devaluation is a significant hidden cost falling on the few individuals forced to subsidize the big city garbage.

The need for new garbage dump sites is increasing because there are more and more disposable products and because of the ban on open burning in the late 1960s. As we all realize, burning was a way of reducing the quantity by perhaps 75 per cent.

Opposition to the new dump sites is being raised by citizens' groups more keenly aware of the impact of garbage dumps. The time involved for application approval increases all the time and costs are very high. By the time applications have gone through the Environmental Hearing Board, there are still the OMB and the appeals to the cabinet ministers and courts to wade through. Experts agree landfill sites are passé, yet the province is letting these disputes grind on and on, avoiding the issue while garbage problems increase throughout Ontario.

The hearing on the dumps around the Owen Sound area has cost the public sector \$97,000 and they're only three weeks into

the inquiry which is still continuing. When the industrial waste hearing was held in my riding in the past month the local citizens contributed something like \$6,000 to oppose. The region had to contribute, as well as the cottage owners ratepayers' association. I don't know what the total cost is, but it will be well in excess of \$30,000 no doubt.

Municipalities now doing cost study analyses think landfill is the cheapest method and will fight for landfill so long as they believe there is hope of getting approval.

The provincial government is on the hot seat in making the decisions through the Ministry of the Environment and the OMB as to who will take whose garbage and when. Grants for recycling and incineration are a myth. A provincial program similar to the Ontario Water Resources Commission, wherein the province provides long-term funding for all municipalities to go directly to source separation of garbage, recycling and incineration, is one probable solution. The sterile, inert ash can be reused for road work, clean fill, et cetera.

[9:00]

It represents five to seven per cent of the original volume incinerated. It can also be utilized for energy and recycling of paper, glass and metal. Technology and knowhow exist in North America to set up recycling programs for towns as small as 500 people. As of 1973, over 200 cities in the US were separating garbage. Since almost 50 per cent of garbage is paper fibre, the recycling of this product is a key to a successful recycling program. The province should invite a consortium of paper mills to build a newsprint mill for recycling paper, thus providing a steady outlet for the paper. There are two such mills in the US as of now, in California and Illinois.

Glass already has a market which can be expanded as required, and as we know most mills have markets. Organic and other materials can be composted or incinerated, and the ash can be used as roadbed or clean fill. Heat from the incinerator may be recovered and used for heating government buildings, such as hospitals and office buildings.

I would like to point out that at the present time most of Ontario's liquid industrial waste is hauled by trucks to landfill sites or lagoons for disposal. The volume is 40 million to 45 million gallons per year. Disposal of liquid industrial waste in landfill is at best an interim measure and is not environmentally acceptable when highly toxic chemical wastes are involved. This problem

is also complicated by the lack of landfill sites in urban areas. The current difficulties the Ontario Ministry of the Environment is experiencing in Metropolitan Toronto with respect to landfill sites is an example.

There has never been a strong demand for facilities to treat liquid industrial waste because it is much cheaper for private business regulations requiring more stringent disposal industry would like the government to pass regulations requiring more stringent disposal practices. However, the government has been reluctant to regulate the disposal of industrial waste because suitable treatment facilities are not available.

I would like to point out that Tricil of Mississauga is operating only at 40 per cent capacity. Because of the fact not enough waste material is directed there it cannot expand its operations. Perhaps one reason is the need for government legislation. In the meantime, the Ministry of the Environment has instituted a way bill system to document the sources, movement and designation of hauled liquid industrial waste. The benefit of this mandatory reporting system is that it prevents illegal dumping of waste by irresponsible haulers, but it does not solve the problem of waste disposal.

The dilemma facing the government is that the disposal industry is reluctant to build treatment facilities unless there is a guaranteed market through government regulations requiring treatment of liquid industrial waste. At the same time, the government is unwilling to pass regulations when there are insufficient treatment facilities to handle the waste. One possible solution to this dilemma is to have the government regulate the level of treatment or method of disposal of industrial waste, while concurrently working with the disposal industry to develop the needed technology and facilities. This could be a government-industry joint venture at the development stages. As the disposal industry matures, the government should then gradually withdraw from the waste disposal business. This is only one suggestion as to how we might deal with liquid industrial waste which is a serious problem for us all.

I would like to turn for a moment to the agricultural industry in my riding. We produce tobacco. I would like to indicate we have had one of the better crops that has ever been produced. I would like to indicate too that the Minister of Agriculture and Food and the Premier went around a considerable area of the world trying to dispose of it and they were fairly successful. It looks like a very encouraging year.

We have had one of the best wheat crops

in our history and we have a tremendous amount of potential. The corn crop had another exceptionally good year, but the price is something like \$1.60 a bushel. I would like to point out the fact that between the corn crop and the beef industry they've lost in the last three years, since 1974, something like \$300 million. The farmer hasn't created all that much fuss but it has created a real hardship to the farmer.

It's up to the Minister of Agriculture and Food. I realize we have to contend with imports and we have to be competitive, but Ontario, as the largest province, has to show some leadership on behalf of Canada. Considering the difficult times the farmer is facing.

I realize also that Inco is a problem in Sudbury, that many are going to be laid off, but I would point out we didn't have a select committee to deal with the problems of the agricultural industry; and the farmers accepted that. With all due regard to the Inco problem and the jobs involved, I think we are in difficult times and we do have to compete for world markets. It's not going to be easy to resolve it, but I think labour still has to understand that we are in difficult times and we all have to share the responsibility of getting out of these particular times.

Getting back to agriculture, it is a trading resource and with some drive and some leadership by the Minister of Agriculture and Food we can sell our produce. We can encourage the utilization of our land so it can be competitive with industry, with urban development; and then we won't have to have so much planning, we won't need so much protection. I don't think farmers really want to do so, but the fact is if you can't make a dollar off the land then you are going to sell it for development; however, that trend may be turning around.

I would just like to make this point in closing my remarks on the budget debate, that our agricultural industry is still a very important industry for Ontario and for Canada. We want to recognize that and I think the Liberal caucus is in a strong position to put that forth on behalf of everyone in Ontario.

Thank you, Mr. Speaker.

Mr. Samis: Merci, monsieur l'orateur, j'aimerais d'abord vous feliciter sur votre election et naturellement j'aimerais vous souhaiter mes vœux personnelles et mes meilleurs vœux dans votre mandat comme le president de ce Chambre.

Mr. Speaker, if—

Mr. Reid: How's your Italian?

Mr. Samis: Not so good.

Mr. Speaker, if one were to briefly consider the following facts, I don't think there's any real wonder or doubt that so many people in Canada and in Ontario are having increasing doubts about Canada's future and our ability to manage that future. All we have to do is consider some of the following facts.

For example, that this winter we will probably surpass the one million mark in terms of unemployed in this country and that most economists are forecasting continuing high levels of unemployment for the remainder of this decade. I specifically cite the report of the Economic Council of Canada and some of their predictions for up until 1987.

I quote from page 11: "Because of this slow recovery, the continued under-utilization of resources in Ontario and the potential for expanding out but without a commensurate increase in employment, the Ontario unemployment rate could rise to 6.8 per cent of the labour force in 1977 and 7.5 per cent in 1978 unless," and I emphasize that, "unless measures are introduced to combat the situation."

If you look at the charts for the various industries which provide the basis for their predictions; if you look at the GNP, for example at the provincial level from 1968 to 1972 the growth rate was 5.7 per cent and from 1973 to 1977 it was 3.8 per cent. They prophesy 4.8 per cent for 1978-1982 and 3.8 per cent for 1983 to 1987.

If you look at personal disposable income in terms of dollars and percentage increase, and again if we compare: from 1968 to 1972 we are talking in terms of 10 per cent; from 1973 to 1977 the figure is 13.8 per cent increase; but for the future, from 1978 to 1982 it is 8.8 per cent and 1983 to 1987 they predict 7.9 per cent.

If we talk about the growth rate in terms of employment and we look at the same periods: again from 1968 to 1972 a 3.2 per cent increase in employment; 1973 to 1977 it is 3.3 per cent; and for the ensuing years from 1978 to 1982 they call for 2.4 per cent and from 1983 to 1987 it is 2.0 per cent. I have outlined the unemployment forecast they are making.

If you look at the inflation rate in this country, we introduced wage and price controls supposedly to bring the inflation rate down, and yet figures have come out showing that the inflation rate this year, 1977, is almost 50 per cent higher than the federal government told us it would be at the beginning of this year. We all remember the forecast of the Minister of Finance at the outset of 1977. If we remember that the Canadian dollar has now plummeted to a

value of less than 90 cents in terms of the American dollar; if we remember that our federal government's deficit will probably hit an all-time high, while the Prime Minister keeps telling us that we all need to practise restraint in our personal lives; if we remember that as a country our balance of payments deficit is likely to hit a record high this year; if we remember the economic growth rate for Ontario will only be 2.5 per cent, a figure that the Conference Board of Canada says will be even lower than the growth rate of Quebec—we know the political problems they are facing but Ontario will have an even lower growth rate for 1977 than the province of Quebec; if we remember that everybody is forecasting an eight to 12 per cent rise in municipal taxes for 1978, and that there will be sizable increases in the cost of Hydro, gasoline, home oil, and natural gas for the upcoming year—the list is long.

Mr. Speaker, I don't want to paint a picture of total gloom and doom, but I think as politicians and elected officials we should face the cold, hard facts that the people of this province and this country are losing faith in the future and strength of the economy of our society. One only has to look at Gallup and other polls to realize the rising sense of pessimism that seems to pervade all ages and all classes of our society about the future of our economy. There can be no doubt that this psychological lack of confidence has a lot to do with whether or not we will be able to get out of this economic recession.

As everybody knows, people who are uncertain about their future are certainly far less likely to make any major investments, whether they be large corporations, small business or individual consumers. I believe that is the sum total of the facts that I have mentioned at the outset of my speech. In this growing and pervasive sense of foreboding about the health and the future of our economy, and when I say this I am omitting the political problems that confront our society at the present time, I believe we as members of this provincial Parliament should realize that many of our average citizens are losing faith in the institution of government to cope with and solve some of the problems that confront us.

I emphasize that this criticism applies to my own party as well as to the other two political parties. Too often we become prisoners of our ideological past or our historical roots. We fail to display the flexibility in thinking that will not only tackle the short-term problems; we should not be afraid to

tell people the hard facts of life and offer creative, comprehensive solutions on a long-term basis. Whether it be the energy problem, balance of payments, our international competitive situation, our dependence on the United States or the simple finite nature of our society and the seemingly infinite nature of demands of certain sectors of our society for more of everything at someone else's expense, we must realize that we have a duty to provide leadership, to tell the people in plain language the obstacles that face our society and offer meaningful solutions to overcome some of those obstacles.

We in the New Democratic Party are frequently accused of being prisoners of our own ideology, incapable of seeing some of the economic problems in realistic and pragmatic terms. While my partisan instinct may deny the truth of those charges, I must realistically admit that there is a limited amount of truth in that allegation and that we as a party must face the reality of a mixed economy in Ontario, with the bulk of it being and remaining in the private sector; and that represents the basic desire and preference of an overwhelming majority of the citizens of this province.

As a member of this party, I am prepared to discard traditional rhetoric and work within the context of that reality. That does not mean I do not believe in certain very fundamental changes in our taxation system, political structure and resource policy.

It is interesting to note that we are constantly being told by the other side that because we have never managed the store and because they have, they are automatically the only political party in this province capable of administering the province. While it is true the Tories have enjoyed the confidence of the voters of this province for 34 years—although I would point out in the last elections they have not been able to receive the confidence of more than 40 per cent of the voters at best—they themselves are indeed prone to becoming excessively ideological in their approach to some of our problems, especially the economic ones. Like anyone else who claims to be infallible in things mortal, they are eminently capable of committing major blunders and political somersaults that sometimes would make Nadia Comaneci stand back in sheer awe.

[9:15]

We have a Treasurer (Mr. McKeough) who tells us he's wholeheartedly engaged in pursuing the Holy Grail of a balanced budget for this province in the millennial year of

1981. Such an obsessive, inflexible, doctrinaire, dogmatic, ideological pursuit in this day and age is tantamount to driving on Highway 401 in a Bennett buggy.

While there are defensible arguments for getting a tighter grip on public expenditures and for trimming the fat on various government structures, and for telling people they can't have everything they want and that some stringent limitations may be necessary on certain government expenditures, the Treasurer of this province has gone far beyond this. He is embarked on a Herbert Hoover—R. B. Bennett-like crusade for the impossible dream—the reactionary Utopia, the ideological Valhalla, the purest paradise of a balanced budget for this province. I don't intend to go into detail on the cost of the Treasurer's fantasies beyond saying that we've already begun to bear the fruits of those fantasies in the form of rising municipal taxes, a stagnant provincial economy, serious social injustice to the poor and those on fixed incomes and to the thousands of people put on the unemployment rolls to pay the steep price of the Treasurer's economic eroticism.

Those who are presently managing the store frequently accuse us of being a party that simply can't cope with the realities of government, the private sector and basic good government. As one who is condemned to being beyond the pale of the chosen Tory brethren, I look at our economy today and wonder if the annointed 26 high priests opposite know the limitations of their presumed divine calling.

Let me explain, Mr. Speaker. For a government that claims to know best how to govern, I look at some of their recent examples of blunders and ineptitudes. We have wasted almost a quarter of a billion dollars in recent years on such extravagant and virtually worthless acquisitions as the Pickering site, the Edwardsburgh industrial wasteland, and the Townsend-Cayuga "Brasilia" of John White's dreams.

Two hundred and fifty million dollars, Mr. Speaker; hardly chicken feed even for the most hard-bitten ideologue of our party.

Mr. Reid: Who would you name as the most hard-bitten ideologue of your party?

Mr. Samis: I leave it to your fertile imagination, Patrick.

Mr. Reid: Do I get a prize if I guess right?

Mr. Samis: We are now \$300 million over cost at the Bruce nuclear project and the end still isn't in sight. Yet we're told by the chosen 26 that only they can rule the fortunes of this province with any certitude

of competence. I won't digress to dwell on any of the recent declarations or inanities of the Minister of Energy (Mr. J. A. Taylor) on the Bruce project and the whole fiasco surrounding the contracts, Mr. Speaker.

These same chosen 26 squandered \$20 million of the taxpayers' money recently in a provincial election that nobody wanted; nobody in the general public asked for, wanted, or deemed desirable. The only purpose for the election obviously was to satisfy the Tory lust for power, for the simple reason they can't tolerate the restrictions and limitations minority government has put upon them.

We've given away more than \$500 million to the corporate sector in the last three years in the form of various tax credits, tax holidays, tax deferrals, depreciation allowances and tax deductions; all in the hope of spurring the economy. Yet look at the stagnant nature of our economy, look at the figures that came out in the press this week; \$500 million of the taxpayers' money and what have we gotten in return?

It's interesting to note we've given away so much to the corporate sector that even the Conference Board tells us our economic growth rate for 1977 will be less than that of Quebec; and the Ontario Economic Council concluded in a recent report on the Ontario economy that "in analysing the case for corporate tax cuts, both the financing need for this redistribution and the effects of tax concessions need to be assessed.

"The difficulty with the use of corporate tax cuts as a short-term stimulant to investment is that linkages seem to be weak. Tax incentive policies designed to encourage investment have reduced impact because of the extent of operations of subsidiaries of United States firms. Corporate tax cuts often merely redistribute revenue between Ottawa and Washington, because US multi-nationals are liable for United States taxes on the income of their Canadian subsidiaries."

Yet the Treasurer of this province continues the same old ideology-based policies of continuing the corporate tax giveaways regardless of their lack of proven success. It would almost seem that orthodoxy at any price is the first commandment of this government.

It is interesting to note that at no time does the Treasurer seem willing to change or modify the neo-colonial status of our provincial economy. In fact, he seems to be attempting to outdo C. D. Howe, the old tsar himself, by railing away at the feds, by railing away at the role of FIRA and by

decrying the need for yet more American control of our economy, using the euphemisms of investment, initiative or confidence. But whatever one wants to call it, the end result will be an even greater dependence on the American economy, American technology, American capital and ultimately American hegemony of our economy on a scale that will surpass the colonial cultural status of our society today.

It is sad that the excellent proposals of the select committee on economic and cultural nationalism have been assigned a permanent place on the scrap heap of forgotten, unused and unwanted reports in this province. I sometimes wonder how the generations of the next century will judge us for having ignored their recommendations so casually and so consistently.

In addition to the almost \$1 billion mispent by our high priest of fiscal orthodoxy, I see looming before us the spectre of a \$5-billion investment east of Toronto in the Darlington nuclear station. I don't pretend this is a simple black-or-white issue and that we would have totally rejected the project had we been in government. But I do say that we would certainly have had an independent environmental assessment done on the project prior to any commencement of activities. Even more important, we would have adopted a much tougher, more comprehensive and more stringent conservation policy than that being pursued by Ontario Hydro at the present time in order to reduce the need for such massive consumptions of valuable capital as Darlington.

The recommendations of the select committee on Hydro of last year, if adopted in word and spirit, would have quite conceivably eliminated the need for a Darlington if they had been pursued and implemented vigorously over the next eight to 10 years. But no, we are hell-bent on a massive nuclear expansion, and it is the taxpayers of this province who will eventually cover and pay the full bill for this all-out drive into nuclear power and this failure to launch a cost-saving, energy-saving, job-saving, tough conservation program.

It is rather ironic that we can afford to spend \$4 billion to \$5 billion on a Darlington, yet we cancel a meagre, mere \$5-million home insulation program in order to accommodate the Treasurer on his journey to the promised land of fiscal orthodoxy in 1981—a program that would have saved home owners millions of dollars in the upcoming years; a program that would have demonstrated Ontario's commitment to meaningful conservation; a program that would have reduced

Ontario's need for expensive oil and gas in the 1980s; a program that would have created jobs and been a boon to small business in this province; a program that would have set an example for this country. All this is scrapped to save a measly \$5 million while we pursue the grandeur and girth of a nuclear empire in Darlington at a probable eventual cost of more than \$5 billion.

We have a Treasurer who pursues a policy of bigness in every sense at the expense of many valuable things which operate at a smaller scale in our society. Whether it is the imposition of regional government upon those who didn't ask for it and don't want it, or whether it is his predilection for giving the biggest handouts to the biggest suppliants at the corporate tax trough, this government has failed to pay adequate attention and adequate heed to the vibrant, largely Canadian-owned, enterprising yet politically neglected and inadequately recognized small business sector of our economy.

In the Treasurer's pursuit of bigness we have overlooked the small business sector in terms of its role in stimulating the economy, creating jobs, providing an indigenous technology for our country's future.

I commend the member for Victoria-Haliburton (Mr. Eakins)—

Mr. Foulds: You are going too far now.

Mr. Samis: —for his initiative in introducing a bill that would assist small business in a meaningful way. I was pleased to support it. I only hope the government will not let the bill die, thwart its passage or attempt to significantly modify it just because it was the member for Victoria-Haliburton who had the enterprise to introduce such a piece of legislation before the government ever got around to doing anything about it.

The Treasurer is so rooted in his R. B. Bennett ideological orthodoxy that he's even behind his counterpart in the province of Quebec, Jacques Parizeau, who is a pretty conservative fellow in his own way in the province of Quebec. His colleagues made it one of their priorities upon assuming power a year ago to introduce programs specifically designed to assist, stimulate and foster small and medium-sized enterprises in that province. Naturally, I regret the fact it wasn't a member of my own party who moved to introduce such a bill earlier in this session, Mr. Speaker, but I cast aside my partisan consideration and pay due credit to my colleague from the fair city of Lindsay for his important contribution in this session of the Legislature.

I began my remarks with a quote from the Ontario Economic Council on what they

predict lies ahead for Ontario. I must say I'm inclined to give them far greater credence than I do the Treasurer. I have before me a copy of the Treasurer's statement to the Legislature on June 27 of this year entitled, "Reaffirming Ontario's Budget Strategy for 1977." I'd like to quote from the conclusions of that particular document.

I quote, Mr. Speaker, from page 14: "The government's budget plan for 1977 implements a fiscal policy appropriate to the needs of the Ontario economy and makes wise use of our financial resources. The economic outlook is steadily improving, assisted by the built-in fiscal stimulus in excess of \$1 billion that I documented in my budget statement, lower interest rates and recovery of the economy of the United States. I believe that this recovery trend will continue throughout the year and into 1978. I will be monitoring the situation closely and I am prepared to consider supplementary actions to stimulate the economy in selective areas, if necessary."

Mr. Foulds: Who said that?

Mr. Samis: Darcy McKeough. "This government of Ontario's record", he boasts, "of achievement in fiscal and economic policy is second to none. In 1971"—an election year—"again in 1975"—an election year—"Ontario led the way in Canada in the early and timely implementation"—and notice this Mr. Speaker—"of expansionary fiscal policies to stimulate economic growth and to create the great number of new job opportunities our people demand. We have shown equally good judgement in recognizing the threat of inflation and in bringing forward policies to protect our high standard of living and enhance our bountiful opportunities."

Comment on the shortcomings and inadequacies of those forecasts and conclusions is almost superfluous. Although I must say I rather enjoyed the comment of the correspondent of the Montreal Star, when he stated "The Davis government first had to rewrite it's April budget so drastically that the new versions bears little more resemblance to the original than the Valley of the Dolls does to Little Women." The same scribe, in the same article, wondered aloud at the Treasurer getting his financial advice from the infamous Bert Lance. If one compares the predictions of the Treasurer with those of the Conference Board as to how our economy would fare in 1977, I'm afraid the Treasurer's stature would approximate that of the Toronto Argonauts alongside the Montreal Alouettes or the Toronto Blue Jays alongside the Kansas City Royals, much less the New York Yankees.

Mr. Haggerty: What about the Brampton charter?

Mr. Samis: We'll leave the charter to itself.

That was the past. Now I'd like to turn my attention to the future and what I feel we should be doing to correct the situation that does exist.

I want to make it clear I regard the stagnant economic situation and the unacceptably high unemployment as the fundamental problems facing our economy. I say that because of the attitude and statements of both the Premier of this province (Mr. Davis) and the Prime Minister of this country. They still regard inflation as a basic problem facing Canada today. They both say they do not want to rekindle the fires of inflation. They're both in bed with the AIB and their incestuous relationship will drag on another five months before they have to get up, get out and face the realities of a post-AIB society. Clearly, rising unemployment and the present almost nine per cent inflation rate have proven the failure of the AIB and Trudeau-Davis policy to really come to grips with our economic problems.

[9:30]

The AIB was supposed to cure us of our inflation woes, yet here we are today with a record full one per cent rise in the inflation rate for the month of October, no clear policies for the post-AIB era and staggering unemployment among our young.

In the short-term, we must give top priority to getting our economy moving again and setting our productive capacity well beyond the existing 80 per cent. We must introduce significant tax cuts, along the lines suggested by a whole host of people, including the Economic Council of Canada, Walter Gordon, a whole series of economic experts and by my federal colleagues in the New Democratic Party in Ottawa.

Most curiously, even the members of the Progressive Conservative Party of Canada are advocating tax cuts. I must say I do feel a little uneasy when I hear that they and I are advocating the same thing.

Mr. Foulds: I should hope so.

Mr. Samis: Being anywhere near Sinclair Stevens gives me quivers—

Mr. Foulds: Yes, indeed.

Mr. Samis: —and sensations of a nature I don't exactly feel comfortable with. But the simple fact is that priority must be given to stimulating consumer confidence and consumer buying, as opposed to further corporate tax cuts, in order to reduce our inventories, increase our level of production, strengthen business optimism and reinvigorate

some of the ailing domestic-oriented industries in this country.

I want to emphasize I realize that some of these tax cuts may well be somewhat inflationary, but when you have 20 per cent unused productive capacity and a rising cost of unemployment to government, I believe it's a sound investment in the future.

I don't believe we'll ever again achieve levels of high employment and low inflation simultaneously, for a variety of reasons; and I don't believe that personal income tax cuts will be nearly as inflationary as the high priests of fiscal orthodoxy constantly warn us. I think that the ECC proposals of tax cuts in the range of 8.3 per cent across the board, and graduated to 25 per cent for those in the lowest income-tax-paying brackets would be a significant short-term stimulus at the federal level.

To those who immediately decry the loss in federal revenues, I can only say that the strength and performance of the economy in the succeeding years could certainly restore most if not all of those lost revenues in the form of accelerated growth in sales, employment and individual income; all of which would produce revenue for the government coffers in ensuing years.

I was rather interested, Mr. Speaker, to note that the ECC also called for a reduction in the provincial sales tax to stimulate consumer spending. This is certainly a proposal I could support for the province of Ontario.

Oh, I know that the Treasurer would immediately decry the loss of revenue for 1978 and tell us that he could only do so if the feds were to compensate the province. But this is a time for new initiatives and most economists, regardless of their political stripes, readily admit that a one per cent cut in the retail sales tax would certainly not bankrupt any treasury; and most economists say that it would immediately spur consumer spending and give some buoyancy to retail sales of consumer goods. Yet once again the Treasurer refuses to move because of his twin obsessions with a balanced budget and some sort of orthodox fiscal nirvana that he seemingly seeks endlessly.

I'm the first to admit, and I emphasize this, that these tax cuts along with various suggested public works programs are short-term and somewhat traditional Keynesian approaches to the whole economic problem. But I also said at the outset of my speech there are long-term solutions that we as legislators must find to our problems. Some of these problems are structural in nature and they too require our attention if we're ever to get our economy back on track again. I

would like to highlight briefly some of these problems, because I believe that if we don't find a solution to the root causes of our economic woes we'll never be able to get a healthy economy in Canada again.

The first basic problem, obviously, is our problem of competing in world markets. Being an exporting nation, we simply must devise new methods and modes of making ourselves more competitive in the world trade scene. I acknowledge the need to improve our overall level of productivity and to restrain wage demands in certain segments of the economy, but I certainly do not ascribe to any simplistic views that the wage earners of this country are solely to blame for the present situation, and that if we'd put a lid on wage increases we'd solve our problems.

Nor do I subscribe to the idea that excessive taxation is the root of our problem. I must say that I was both rather surprised and pleased to hear the Treasurer attack this simplistic approach in a speech in Toronto on October 26 to a joint meeting of the engineering and managerial organizations operating in Ontario. I quote from page 6 of that speech:

"Secondly, we must maintain a competitive tax climate for manufacturing in Ontario. Here, I think it's time to try and lean against the nagging myth"—myth, Darcy McKeough, myth?—"that our industries are simply too-heavily taxed to compete.

"We published our research on this matter last fall and explained the need to exempt from retail sales tax the purchase of production machinery and equipment. We're continuing to watch the situation closely and I would like to say that recent data in fact suggests that the tax burden here is now very competitive.

"Without getting into payroll taxes, which are much heavier in the United States than in Canada, and investment tax credits, which are somewhat more generous for growing firms than in Ontario, we have one of the most competitive corporate tax structures in North America. The net combined corporate tax burden in this province for this year appears to be less than in the case for manufacturing firms in such major states as New York, Pennsylvania, Ohio, Michigan, Wisconsin, Georgia, Texas and California."

I'd like to quote a little further on in the same speech, where the Treasurer said:

"Also, the competitive position of Canadian producers at home and abroad is no longer deteriorating but is improving significantly. The devaluation of the dollar, which essentially reflects an honest realignment for Canada and the world economy, has gone fur-

ther than any imaginable tariff policy to enhance our competitive position. It is bringing our costs in line substantially. Both the governments of Canada and Ontario are committed to utilize this fundamental adjustment by enhancing productivity, rather than encouraging nominal and inflationary wage gains as a key to real income growth.

"Finally, along with rising disposable incomes, competitive business taxes and a more competitive Canadian dollar, there is every indication that costs will continue to moderate and are going to move in tandem with our main competitor. Non-labour costs have been declining and are expected to parallel moderating American costs next year. The same has been the case in both wages and in salaries. Next year, wage gains in both countries are expected to be exactly the same."

Those are the words of none other than Darcy McKeough.

A very basic aspect of our problem is how we manage our investment in Canada and the serious weaknesses in our research and development programs in this country. Part of the problem is due to our neo-colonial status and the preponderance of US-based multi-nationals in the manufacturing sectors. I don't believe that this is sufficient to explain our sorry record in this regard. If we compare what percentage of our GNP is spent on research and development in Canada, with other countries in the world, then you get some idea why we're losing some of our competitiveness in some of these fields. The source of this comparison is the OECD.

If you compare the percentage of the GNP spent on research and development the Americans spent 2.35 per cent; in West Germany, it was 2.16 per cent; in the Netherlands it was 2.06 per cent; in Japan it was two per cent even; in France it was 1.86 per cent; in Sweden it was 1.59 per cent and in Canada it was one per cent. Those were 1974 figures and, since then, it's become worse and not better in this country.

In 1975, spending in the manufacturing industry on R and D had declined to 0.58 per cent of the value of manufacturing output. That is a decline from 10 years ago, 1965 when the percentage was 0.80 in the manufacturing sector. This serious situation, even prompted none other than his lordship, the Treasurer, to comment. I quote from his speech of October 25: "It's a national scandal that our R and D activity is only one-third the level of that of the United States, as measured as a proportion of GNP. The shortfall is simply enormous, close to \$3 billion

per year or 50,000 to 100,000 innovators and what little money we do spend is far too often locked up in the research bureaucracies which may well produce the discoveries we need for the next 100 years, but can't be relied on for those we need to grow in the next decade.

"Unemployment among engineers is at its highest level in 15 years and we have reversed the brain drain only because United States has tightened up on immigration. If we move to close the R and D gap with the US, think of the new products Canadian manufacturers could be designing, constructing and selling to world markets. With another 50,000 innovators at work, two in every plant in Canada—that's all it means—how long would it take before we started closing the import gap for manufactured products?

"We must provide, along with the basic elements of enterprise strategy that I have discussed, meaningful encouragement for innovations by the manufacturing sector."

This is kind of interesting, Mr. Speaker. In closing, the Duke of Kent—the Treasurer—emphasized, "The form and success of our industrial recovery nevertheless will depend as in the past"—he's speaking to these industrialists—"on your inventiveness and your enterprise," and that is none other than the Duke of Kent telling businessmen.

Before leaving the subject I would like to touch briefly upon the question of wages and wage earners in this country. I regard the minimum wage in this province as an absolute disgrace and shame. I think it's an outright insult to those who do not belong to a union, to those who are not highly skilled, to those who may be born in another country, to tell them that they must work and expect to be paid below the poverty level because any increase in their wage would be inflationary.

If the nine other provinces—and I noticed just yesterday in the newspaper that the Saskatchewan government has announced their minimum wage would be going up to \$3.15 per hour as of January 30, 1978—if the nine other provinces plus the federal government can do significantly better than this province, I think it's an outrage that the working poor in this province should be treated in such an abysmal, insensitive, callous, arrogant, inhuman manner in this day and age. The minimum wage should be increased immediately to \$3 per hour and should be pegged to the cost of living.

Mr. Gregory: What happened to \$4?

Mr. Samis: Mr. Speaker, I know that this—

Mr. Foulds: We will get it up there.

Mr. Makarchuk: In time, in the fullness of time.

Mr. Foulds: How would you like to work for \$3 an hour or \$4 an hour?

Mr. Samis: I know this is not what my party said in the last election campaign, but it is what I said; it's what I believe in. It's what I believe is necessary and reasonable and I do not intend to smudge any difference with my party's stand on this issue. The people of Cornwall riding know my stand on the issue. They knew where I stood during the election campaign and I don't intend to say one thing in my riding and another thing here in the Legislature merely because of party discipline or any sense of solidarity.

We are a democratic party. We don't agree on every single issue. We shouldn't always pretend to have uniform views on all matters and we should expect to respect these differences and the rights of individual members to express those differences. Fortunately I belong to a party that does respect those differences.

Mr. Breithaupt: We will see what the next convention says.

Mr. Samis: We will see. It will be very interesting, I agree.

I want to point out that in terms of hours lost because of strikes, Canadian wage earners are frequently accused of being the most strike-prone in the world. We read in some newspapers and hear from some journalists that in the first eight months of 1977 there was a dramatic decrease in the amount of time lost due to strikes and lockouts. If one compares the first eight months of this year with 1976, the decline in the amount of time lost because of strikes and lockouts is 65 per cent. In other words, we have gone down 65 per cent in terms of time lost. And I point out that those 1976 figures included all the time lost for that one-day walk-out on October 14, on the day of protest. That should put an end to the lie, the notion, the misnomer, the generalization, the condemnation that Canadian workers in 1977 are strike-prone and irresponsible.

As to wage comparisons, it is frequently said that Canadian workers are overpaid and don't work hard enough.

Mr. Wildman: Claude Bennett.

[9:45]

Mr. Samis: Well, let's compare wages, for example, with the United States, because frequently we hear people, including the

Minister of Industry and Tourism (Mr. Bennett), tell us that our wages are too high, they are not competitive, and therefore that is the root cause of our problem.

I'd like to call attention to the very important consideration of the whole discussion, and that is how comparative figures are calculated and arrived at. I'd like to quote from an article by Ed Finn, the PR director of the CBRTGW, who wrote a very interesting, and I thought revealing, article in the October 17 edition of the *Toronto Star*. He says, and I quote:

"What they fail to mention when comparing wages in the United States and Canada is that the two sets of wage settlement figures are calculated by widely divergent methods, and therefore are not legitimately comparable. "In the US wage gains are figured on the average hourly earnings of all workers in a bargaining unit, whereas in Canada we use the base wage rate, an entirely different index. The US figures also exclude"—and I emphasize exclude—"public sector settlements, which we in Canada include"—and we all know that was the one sector with the highest percentages of wage increases—"Conversely, US data include construction industry contracts which we omit in Canada. Both sets of statistics exclude cost of living adjustment (COLA) clauses, since more than 60 per cent of union members in the United States receive COLA payments compared with only 25 per cent of those in Canada, and since the average American COLA clause provides close to double the Canadian equivalent, this omission produces a lower figure for US earnings than is actually the case.

"Another glaring omission is that of fringe benefits, such as pensions and health insurance. American workers have always taken proportionally more of their total compensation in deferred and indirect payments than are recorded in settlement data."

There is no question that we do have problems in terms of competition in the foreign markets. Our balance of payment problem is without question becoming increasingly critical, especially with the annual migration to Florida, the Caribbean and Mexico by many of our sun-starved compatriots. But I strongly believe that we must analyse all the constituent contributing causes to our problem of competitiveness on the world scene, so we can bring forth solutions that will really come to grips with this serious problem for our economy. If we don't do this, then I believe that our solutions will be half-baked and severely limited in their efficacy.

The second major structural problem that

we face in our economy is one that I have already mentioned, and that is unemployment. We have to come to terms with the regional nature of our unemployment in Canada; the chronic nature of our unemployment; the occupational nature of our unemployment and the changing values and attitudes in our society towards work and its role and value in an individual's life.

I think it is extremely important that we come to terms with that latter point, for there is no question that in the younger generation there has been a very substantial change in values and attitudes vis-à-vis the work ethic. I don't think it makes much sense to try to preach the old Puritan work ethic if you don't understand and don't come to terms with their values and their attitudes.

A third basic problem in our economy is our ongoing balance of payments problems. The tremendous drain of dollars outside this country for manufactured goods; for tourism; the ever-increasing amounts of money being spent on foreign oil and the reorientation of capital investment, all require action to restore some semblance of balance in our outflow of dollars.

I might say as an aside, I find it rather curious that recently the Minister of Finance has been lecturing us about staying at home, not spending our dollars in foreign lands, especially the Caribbean. And what did we see about two weeks ago, after all these lectures, the Prime Minister was getting a little weary of the controversy regarding the RCMP. But who else goes down to the Caribbean to do a little skindiving, yet comes back here and has the gall to preach to the average Canadian, "Stay in Canada, set a good example. Don't spend your money outside the country." Sheer hypocrisy.

Mr. Wildman: I wish they'd keep him outside the country.

Mr. Samis: A fourth structural problem we must face in this country is the absence of any coherent, comprehensive, meaningful, industrial strategy for this nation and for this province. We simply must define our goals and intensify our efforts in those sectors most suited to specialization and deserving of assistance. We must work out a far better harmonization of our regional development policies; our manpower policies; our investment policies; and our different forms of incentives. We simply cannot operate in a vacuum and at cross-purposes if we are to develop our strength in those sectors which are best suited to expand and compete on the world scene.

A fifth problem we must resolve in this country is the whole energy field and the tremendous waste that we as a society are still engaged in. We must formulate a clear policy for the development and pricing of our oil and gas reserves in the 1980s and 1990s. We must reassess the whole nuclear option in the light of the soft-hardware, renewable options before us, and we must provide for an industrial policy that will be in tune with the increased costs of energy over the next 10 to 20 years. If we don't, we'll pay for our own failure in economic performance, in the competitiveness of our industries and in the employment opportunities available for our young people.

We simply cannot afford to fool around with the whole question of conservation and the ridiculous waste of our non-renewable resources. We simply must get tough, get serious; and if it means tough medicine for the people who aren't willing to do it on a voluntary basis, let me say that I would support it, because the future of our country is at stake.

A final structural problem, as I see it, is our excessive dependence on the American economy and our failure to develop our own resources with Canadian control. While we cannot isolate ourselves from American capital or the American economy, it's imperative that we achieve greater control of our own resources to ensure that their use and development serves the interests of Canadians above the interests of any other company, any other corporation or any other nation in this world.

That isn't narrow nationalism; that's basic common sense. It's a message that the Arabs and other Third World countries have realized in this era of multi-nationals and super-powers. Being the hewers of wood and the drawers of water is not the future, and should never be the future, that we should want or ever tolerate for this country. Being a colony of any other country means automatically that our technology will be produced and developed in another country. And any country that is totally dependent on another society for its technology is doomed to permanent colonial status.

Before closing, I'd like to mention a few regional concerns. Having listened to the member for Haldimand-Norfolk tell us about the rivers and harbours of his riding, et cetera—

An hon. member: Harbours?

Mr. Samis: Port Dover—may I say that we in eastern Ontario have some very deep-rooted and legitimate concerns about where

the economy is going and how it's going to affect us in our particular region of the province.

First of all, we wonder about industrial development and the whole pattern of industrial development. We don't want Queen's Park coming down to us and setting out some wasteland just before an election, telling us it's going to be the shining jewel of industrial development in eastern Ontario or that that industrial park will be the key to our future, with no consultation with any municipal council, no input from the local people, no input from the affected communities.

Mr. Wildman: Or no consultation with the minister.

Mr. Samis: We had such a ridiculous situation that the Minister of Industry and Tourism was touring the communities of eastern Ontario and telling us, "You'd have to be off your nut to support any such idea as Edwardsburgh." He couldn't conceive of any reason for Edwardsburgh, yet three or four months later we had him standing up in the Legislature announcing the birth of the Edwardsburgh industrial wasteland.

We're not prepared to put up with any more of that nonsense in eastern Ontario. We want to be in and we want to have some input into our future. We don't want to be peons of the bureaucrats of Queen's Park or victims of designs of any ambitious Treasurer.

Mr. Wildman: Or the incompetence of the Minister of Industry and Tourism.

Mr. Samis: Right on. In my particular community, where the textile industry has been a very basic feature of the economy of our area, we wonder where Ontario is going. Where does the Treasurer of this province want to lead us? He is making speech after speech these days, saying, "Free trade is the answer. We must reduce the tariff barriers. We must reduce the quota barriers."

But, on the other hand, in the committee considering the estimates of the Ministry of Industry and Tourism and of the Ministry of Agriculture and Food, those ministers don't give us that line at all. They talk about the need to protect some of our industries—the agricultural industries, textile industries, footwear industries, et cetera—that have such a difficult time competing.

We want to know who speaks for Ontario. We want to have all the ministers of the cabinet telling us the same thing. I am not a person who says we should shield our whole economy behind a tremendously high wall of tariffs, but on the other hand, when you have over a quarter of a million people working in an industry, who have devoted their

lives in some cases to that particular industry, you can't just let it down hook, line and sinker.

I think people in the textile industry are prepared to make plans for the adjustment. I noticed that the province of Quebec has established a five-year time frame for some of its weaker, less efficient, less capital intensive industries to make their adjustment prior to the lowering of tariffs.

I would like to see the Minister of Industry and Tourism and the Treasurer get together to work out a common policy to help the textile industry make that adjustment. Don't just tell them, "You are on your own. If you can't compete, that's it; tough beans," while communities like Cornwall or Cambridge go down the drain.

We want this government to show initiatives and programs to help them make the adjustment. We are prepared to face the competitive scene. We are prepared to adjust to the GATT agreement, but all we want is the government to help us make that adjustment, to make that transition.

Living in a part of the province where we border on the province, la republique, of Quebec, we have some particular problems that I think should be considered by this government. We have the Minister of Industry and Tourism and the Premier trying to tell us—industry starved as we are—that thou shalt not advertise for industry in the province of Quebec because that would contribute to separatism. That would not be in the interests of national unity. I would agree if it is a case where they try to do it, and they haven't done it before, merely to exploit the political situation. But if you have a community that has been doing it consistently, whether it was René Levesque, whether it was Daniel Johnson, whether it was Jean Jacques Bertrand, whether it was Jean Lesage, we in eastern Ontario don't want any politician or bureaucrat trying to tell us where we can advertise if we do it in a reasonable, responsible, non-exploitative manner in papers in Quebec.

We are in competition in eastern Ontario with New York state; we are in competition with Vermont which is offering all sorts of tax incentives, tax discounts, low interest loans and is advertising in the Montreal market. We don't want somebody telling us we can't use our freedom to exercise a normal, reasonable, responsible, non-exploitive manner.

In eastern Ontario, we have the ongoing problem, that I have raised in this Legislature several times, of tradesmen from the province of Quebec crossing the border to work in communities like Cornwall, Hawkes-

bury, Pembroke and Ottawa, who don't have to have any special licence in particular, have very minimal requirements and do get jobs and do take away the jobs from some of our people. We are prepared to allow them to come in if, and only if, we are given the same freedom, the same opportunities and the same right to compete on the Quebec labour market in the construction field. But we aren't. They refuse.

I emphasize it is not a Parti Quebecois policy because the Liberals followed the same policy. It is not a Liberal or PQ policy because the Union Nationale followed the same policy. All we are saying is we tried negotiations. If negotiations don't produce results, if the Quebec minister says, "That is our policy. We are not prepared to moderate. We are not prepared to make concessions or change it," then all we ask in eastern Ontario is protect the jobs of tradesmen in eastern Ontario by saying to Quebec workers, "If you want to work here, you have to meet the same conditions that Ontario workers have to meet when they want to work in Valleyfield or in Dorion or in Montreal."

All we ask for is equal treatment, not revenge, not special privileges, just equal treatment.

Fourthly, I would hope the government would give consideration to the fact that down in the eastern fringe of the province along the border, we have to compete with Quebec communities for industry.

I recall very vividly the case of Goodyear, which was seriously considering moving into my community and we were in competition with the city of Valleyfield, Quebec, a \$56-million industry. We lost that industry for the simple reason that, number one, the provincial government in Quebec was prepared to offer more in terms of tax incentives for them to locate in the province of Quebec, and secondly, because of Quebec provincial laws—which I don't want for Ontario, let me emphasize—under which the municipality of Valleyfield was allowed to give special tax concessions to lure them to Valleyfield. The Premier said, "No, we won't do anything." How can we compete in that situation with a multi-national trying to locate in our community? It's virtually impossible.

We have the situation where the Department of Regional Economic Expansion has designated the entire Metropolitan Montreal area as a depressed or designated area, which means special tax concessions for industries or businesses seeking to locate in the Greater Montreal region. They don't have to compete with that in Toronto. They don't have to

compete with that in central Ontario and they don't have to compete with that in south-western Ontario, but we do in eastern Ontario. I think it's time that the economic policies of this province gave special consideration to the problems of communities and counties along the Quebec border that have to face that reality in trying to attract new industry.

We in eastern Ontario believe the only way this province will prosper in a decent honest way is if we decentralize development. The government can spend \$2 billion in investments in Townsend, Nanticoke and along Lake Erie, but what do they give eastern Ontario? We get the bread crumbs and south-west Ontario gets the full-course dinner. In 1975 we had the Minister of Industry and Tourism travelling through the area promising the Edwardsburgh jewel as the great contribution for eastern Ontario.

Mr. Wildman: That's enough to depress anyone.

Mr. Samis: Right.

Mr. Foulds: Just like Minaki Lodge for the northwest.

[10:00]

Mr. Samis: That's right. We have our own version of Minaki Lodge. In 1975, the minister was trooping around Belleville and promising some strange but magnificent huge resort hotel complex within 15 miles of Belleville. We haven't heard a single thing about that glorious promise since the election. That was dangled in front of the people in the Quinte region, as the provincial government's contribution to their economic development. Then comes 1977 and the Tories are back to the same old game. This time it is transfer. They announce some transfer in terms of offices in downtown Toronto all the way to the city of Oshawa, and they say, "Look what we're doing for eastern Ontario."

I have nothing against the good people of Oshawa, naturally. They elected a good member and obviously they have a considerable amount of intelligence and foresight. But who in eastern Ontario is ever going to consider the city of Oshawa as being a part of eastern Ontario? What person who lives in eastern Ontario would ever consider that?

Mr. Foulds: That is like calling Barrie part of northern Ontario.

Mr. Samis: That's exactly it. I give the Tories credit. They knew that really wouldn't convince too many people. They wanted to make sure the member for Kingston and the Islands would be elected. He got in by, I think, 150 votes. They were grooming him for great cabinet things and he seemed to

have ambitions of his own. They wanted him to get something he could offer the good burghers of that community. So they announce the transfer of OHIP. They say this will be a great boon—500 to 800 employees. Think of it all, Mr. Speaker. Those aren't new jobs. Those are people being transferred. It was promised in 1977 before the election. We were told, just as some magic figure, it was going to take four years to make the transfer.

I asked myself what was the political significance of four years. It suddenly dawned on me. My God, that means another election. I can just see the minister over there with his bouffant hairdo—I think he's got new shoes now by the way—and his suit, cutting the ribbon and saying, "Look what we've done for you people in eastern Ontario."

Mr. Foulds: He's got bouffant shoes too.

Mr. Samis: We are not going to be taken in by that sort of thing. We welcome the fact that they transferred it. But we're not going to play this silly little game where at every election a goodie is dangled. If we behave ourselves in eastern Ontario, if we return the right boys back here, then maybe we'll get a little more. We want to see specific plans, a specific strategy for development in eastern Ontario and not a whole series of Duplessis-style election goodies, pork barrel, patronage and promises. We want a comprehensive industrial strategy for our area. We want a planned, phased commitment towards the decentralization of development and decentralization of opportunities for our people.

It strikes us as ironic when we see what's happening in what my colleague from Port Arthur sarcastically has described as northern Ontario. In the city of Barrie they are taking out prime agricultural land.

Mr. Foulds: Ironically, not sarcastically. I would never refer to Barrie in a sarcastic way.

Mr. Samis: The city of Barrie is being told: "We're going to take this prime agricultural land. We're going to use this for industrial development, and whether you want it, whether you like it, whether you need it, we're going to force-feed 125,000 people into your community, because Darcy McKeough says that's the way, the life and the future of the province of Ontario." Does that really make sense when we have regions like eastern and northern Ontario, in dire need of new industry, new opportunities, and jobs for young people? Obviously, it doesn't, but we don't get the results we need in eastern Ontario.

One particular facet of our sector of the

province is the tourist industry, which does provide a certain number of jobs. I'd like to make a few specific proposals as to what I think could be done to improve the tourist industry and create more jobs in our area.

First of all, a fundamental weakness is that along our part of the St. Lawrence River tourists may visit something like Upper Canada Village, they may visit Long Sault Parkway or something of that sort, but there isn't much to keep them beyond a one-day visit. They go back to Montreal or on to Ottawa or back to Toronto. They don't stay. What we need very badly is something that will keep people beyond one day, something that will provide them with an incentive to stay.

A feasibility study has been done as to the idea of developing a summer theatre complex in the Upper Canada Village. It's been studied. It's been said: "Yes, it is feasible." A design has been proposed. Because of certain problems, they've asked the architects to go back to the drawing boards again.

We don't want an endless delay of proposals and ideas. The experts have said it's feasible. We want to see some action to help our tourist industry.

Secondly, I think one thing that should be emphasized about eastern Ontario is the heritage of our area. If you look at the history of this province, my own community was founded in 1783. We have what I would consider the cradle of confederation in this part of the country in Kingston. We have older communities such as Napanee, Smiths Falls and Perth. These are valuable historical communities in the heritage of Ontario. I noticed that the recent study commissioned by the Ministry of Industry and Tourism has suggested that more attention should be paid to the historical heritage of eastern Ontario because that attracts people. That's a specific characteristic that I think we have to that extent, that no other part of this province can claim.

In terms of my own particular community, I would like to suggest that the Ministry of Industry and Tourism play a very active role in seeking to establish some form of major tourist attraction along the lines of some form of safari park or major recreational area. The feasibility study, done by the ministry, did indicate that if we project for the next five years ahead, it is certainly and definitely feasible for private enterprise to establish a major tourist attraction of that nature. I would hope that, even if some of the businessmen in my area are somewhat reluctant, the ministry will continue the consultations and furnish every possible

encouragement to businessmen to create something of this nature.

I want to bring to your attention concerning eastern Ontario that many of the tourists we get would come in by Highway 401. If they come from the United States, obviously they would cross either at Gananoque or Cornwall and then get on Highway 401. Immediately, I'm sure, as soon as they cross the river, the Americans are hit by the high cost of tourism in this province, whether it be for food or rooms, but most important of all in terms of what hits them is the cost of gasoline. I know the Highway 401 leases have been renegotiated and I know for a while there was a decrease in prices and it did become somewhat competitive but, just last week, I drove up along Highway 401 and decided to get off at Belleville to get gasoline. The difference between the cheapest gasoline in the city of Belleville compared to the cheapest gasoline that I'm aware of on Highway 401—and I don't claim this is a thorough representation of the gas prices along Highway 401—was as high as 14 cents a gallon.

The tourist doesn't know where to get off to get the bargains. The tourist doesn't know about the bargains. Most frequently he relies on the service centres along Highway 401.

Mr. Wildman: That's right.

Mr. Samis: When he has to pay 14 cents more a gallon, there's nothing else I can think of to describe that but a ripoff. The people who are getting ripped off are the people to whom we're saying, "Why don't you come back to Ontario? Why don't you want to come and see our tourist facilities? Why don't you want to stay?" If we're serious about getting American tourists back we'd better get serious about some of the prices we charge for gas, food, lodging and services.

I notice even Jack Horner, the cactus rancher from Pincher Creek, has attacked some of the operators who are charging prices like that. They're not just the small ones, because if you look at who runs those service stations you find it's the multi-national oil companies.

A fifth suggestion I'd like to make in terms of developing the tourist potential of eastern Ontario is that possibly greater attention could be given to the winter activities available in our area. We have a considerable number of provincial parks and groomed trails of a variety of sorts, whether it's for cross-country skiing or snow-shoeing. We have a whole host of well-organized, well-financed and well-administered snowmobile

clubs. Some of those clubs have thousands—not hundreds, but thousands—of miles of well-groomed trails that people in the big cities don't have access to.

Obviously, it's a little farther to drive. But if they want to talk about thousands of miles within a day's drive, surely, it's the responsibility of the Ministry of Industry and Tourism, in their advertising at that time of the year, to make the snowmobile enthusiasts aware what opportunities there are for them in eastern Ontario.

There's a tremendous burgeoning of cross-country trails in eastern Ontario, in the provincial parks and elsewhere, and I suspect most people in the metropolitan area of Toronto aren't even aware of them.

Finally, in terms of eastern Ontario, may I suggest that possibly more publicity should be given to the history of the area. Cornwall, my home town, for example, was founded in 1783. We have the historic Glengarry settlers. We have the unique architectural heritage of such communities as Kingston, Perth, Smiths Falls and Cobourg.

It always amazes me when I drive to the city of Kingston where Sir John A. Macdonald spent his lifetime, where Sir John A. Macdonald is buried, that you can drive along Highway 401, and drive right past the community of Kingston—and not even know that the first Prime Minister of this country, the outstanding Father of Confederation, lived and was buried in the city of Kingston.

Even when you get off Highway 401, it's almost impossible unless you know your way around the city to find out where Sir John A. Macdonald lived, where the Sir John A. Macdonald legend developed. I'm amazed how the provincial government and local authorities almost totally ignore the tremendous heritage of our first Prime Minister.

When I go down to Virginia, Washington or New York State and find out about the heritage of that country, I think the way the Americans mark, publicize and make you aware of their heritage is something that puts us to shame in this province and in this country. We have a hell of a lot that we can learn from the Americans in terms of tourism. It's time we woke up and built our strength upon that heritage.

Mr. Wildman: When they say Macdonald in Kingston they think you mean Flora.

Mr. Samis: Either Flora or Ronald, unfortunately.

Mr. Eakins: You are dead on.

Mr. Samis: I have outlined my concerns and my proposals for eastern Ontario, and for the provincial economy as a whole. I have

tried to do so in a constructive sense rather than a partisan sense, because like many Canadians I'm truly concerned about the fate of our economy, the fate of our province and the fate of our country.

I don't consider myself to be a doom-and-gloomster, but I do believe we must confront the serious and basic economic and political problems that face us today. I believe that Canadians care too much for their country to allow these problems to overwhelm us.

I believe that we in this Legislature must provide leadership and make narrow, partisan considerations secondary to the search for solutions to the problems I've outlined tonight.

We certainly have our differences with this government, make no mistake about it. But I believe our primary purpose in being here is to find those solutions and not merely to indulge in petty, partisan, parliamentary pandering or puerile posturing. Thank you. *Merci beaucoup.*

Mr. Gregory: A Lawlor you're not.

[10:15]

Mr. Baetz: I had intended to direct my comments on this budget debate to that sector which is largely but not exclusively covered by this Legislature's social development policy field. It's an area in which I have been active for many years. I believe it is also that part of government activity where more than elsewhere we operate on slippery slopes and shifting sands.

I am watching the clock. I will not be able, Mr. Speaker, to present the comments that I had prepared for tonight. I do hope I will have an opportunity to do so in subsequent sessions.

Mr. Reid: Sounds like a threat.

Mr. Baetz: It's not a threat, it's a promise. I would like to congratulate the hon. member for Cornwall for having given such an eloquent speech. I couldn't agree with most of it. Some things I would agree with.

Hon. Mr. Parrott: I didn't even think it was eloquent.

Mr. Baetz: However, the things I could agree with him on, I suspect he has come by by being such a great disciple of the Duke of Kent, as he calls him—the Treasurer (Mr. McKeough). He's obviously a very avid reader, having read at great length to us tonight from the writings of our esteemed Treasurer, and I am sure that if the hon. member for Cornwall continues his studies of our esteemed Treasurer, he will one nice day cross the floor.

Mr. Samis: Don't count on it.

Mr. Reid: That is how he became an NDP in the first place.

Mr. Baetz: Well, there is progress. There is a sign of progress there. There is hope there.

Hon. Mr. Bernier: We are not that desperate.

Mr. Samis: Never turncoats.

Mr. Wildman: Not one of us will be over there. You will be over here.

Hon. Mr. Parrott: That will be a long time.

Mr. Baetz: I have prepared for this occasion here. As I said earlier, I want to speak about the social development field. I think sometimes when we criticize inadequate expenditures, there's an all-too-common tendency to compare our current situation with utopia, with some never-never fairy land. We have gone through that exercise again tonight.

I would immediately claim that I have never joined that chorus because I have always felt that to be an exercise in futility. This kind of shotgun criticism is one which can and does lead quickly from uncertainty to frustration, down to pessimism, down further to scepticism and finally sinks into cynicism and we have bordered on that tonight again. There is no utopia and there is little point in comparing ourselves here in Ontario to such platonic states of perfection as we apparently have had painted for us across the floor tonight.

It seems to me to be a far more useful exercise to compare our performance in the social development field with other similar jurisdictions. It is for this reason that about one year ago when I was still executive director of the Canadian Council on Social Development, we began some work in assembling and analysing data comparing expenditures in the social development field to all the Canadian provinces. That work has not yet been published, but in the meantime, for purposes of our debate, I had prepared and would like to provide this Legislature with some first-hand information with a view to helping all of us, both on this side of the House and those opposite, to gain some assessment as to where we in Ontario stand as compared with our sister provinces.

I would like to assure members opposite that the statistics are objective and non-partisan.

Mr. Wildman: Then start with the minimum wage.

Mr. Baetz: I would like to assure them that how these objectives are interpreted will undoubtedly become partisan and value or-

iented. In presenting these statistics, I hardly need warn the members of some of the pitfalls in comparing statistical data between provinces.

Mr. Reid: The member for Grey-Bruce (Mr. Sargent) already did that today.

Mr. Baetz: It can be somewhat misleading, partly because of differences in terminology. What may be classified as health service in one province may fall under another department in another province. Even within provinces, an examination of expenditures in one department may be misleading because increased expenditures might simply reflect the transfer of programs to that department from another and therefore leave unchanged the provincial aggregate expenditure in the social development field.

Mr. Wildman: Are you going to compare the populations as well as the expenditures?

Mr. Baetz: Also, increases in expenditure alone do not tell us everything. For example, if much more is spent on medical and hospital care in a province, than was the case 10 years ago, it could mean that the same proportion of a greatly expanded need is being provided for. In this case it could simply mean that the needs are still being met inadequately by the same proportion as previously.

Nevertheless, in spite of the limits and pitfalls, this approach to comparative expenditures among the provinces is, I believe, valid and useful and it has never been done before. This is because patterns of public spending do reveal the policies implicit or explicit which govern the use of our provincial wealth.

Mr. Wildman: Only if you compare the populations.

Mr. Baetz: Many goals and grand purposes may be proclaimed both in this House and in other jurisdictions. But, as a general rule, the percentage of our wealth which we are prepared to divert to social development is the measure of how a society feels about this field.

Mr. Wildman: Per capita, it is.

Mr. Baetz: There is an added advantage in comparing provincial expenditure patterns, because in doing so we avoid the mare's breakfast of trying to sort out federal from provincial expenditures.

By and large, the statistics that I had prepared, and will be sending to this Legislature, will refer to moneys raised and spent by the provinces themselves. The period which I will be covering is from the fiscal year 1970-71 to 196-77 inclusive. It will cover

specifically the fields of social welfare, health education, protection of persons and property—which is essentially administration of justice and the law—and fifthly, housing.

Gross general expenditures by all provinces have increased by an average of 160 per cent in the seven-year period, in current dollars, that is during the period 1970-71 to 1976-77. The percentage increase has been greatest in British Columbia, which has gone up 203 per cent, with New Brunswick having the smallest increase at 128 per cent. Ontario, with an increase of 142 per cent, is the third lowest with Nova Scotia being next lowest with an increase of 141 per cent. I am talking about gross provincial expenditures, not just on social development.

In the next five minutes I will just touch on a few statistics, but there are many more here and I would encourage all of the members to take a look at them. They tell a tale.

Mr. Reid: Talk in human terms.

Mr. Baetz: What percentage of gross expenditures—I am assuming that these expenditures were for human well-being—goes for social development? How do these percentages compare in proportion to similar ones in other provinces?

First, the percentage of total provincial expenditures designated for social welfare in Ontario in 1976-77 was 14.3 per cent of our gross provincial expenditures. That is third highest among the provinces, being exceeded only by BC, which directed 17.8 per cent of its total provincial expenditures to social welfare, and Manitoba with 16.8 per cent of its provincial expenditures going to social welfare.

The four Atlantic provinces diverted the lowest percentage of their provincial expenditures to social welfare, ranging from 11.4 per cent for New Brunswick to as low as 8.9 per cent for Nova Scotia, which was the lowest in the country. As the degree of need in the Atlantic provinces is probably greatest, the relatively lower expenditure in those provinces for social welfare suggests that need alone does not determine the degree of expenditure. There is obviously a trade-off somewhere between needs and available resources.

Keeping in mind that Ontario's growth of gross provincial expenditures has been among the lowest, the rate of growth diverted to social welfare is, I believe, significant. This growth rate has been among the highest, namely a 6.2 per cent growth rate. It is exceeded only by Manitoba by a fraction of a point at 6.3 per cent.

Admittedly, part of the relatively rapid

growth for social welfare expenditures in Ontario is due to the fact that in the base year, 1970-71, Ontario was among the lowest, with only 8.1 per cent of our provincial expenditures going to social welfare. In other words, we started very low, but we have grown rapidly and now stand in third place.

Mr. Reid: And that's where the cutbacks started.

Mr. Baetz: The percentage of all provincial expenditures going to education across the country averaged 23.9 per cent among the 10 provinces in 1976. In relation to other provinces, Ontario's expenditure in education as a percentage of the total provincial expenditure is third highest at 26.8 per cent and is exceeded only by New Brunswick with 28.4 per cent and Quebec with 27.4 per cent.

These expenditures overall are down from 27.3 per cent in 1970-71, which likely reflects the plateauing off of our student population and a reduction in expenditures on capital equipment and property. Ontario's relative costs for education have declined more slowly than the national average, being down two per cent as compared to the national average of a 3.4 per cent decline.

Quebec's costs for education as part of its total provincial expenditures stand in sharp contrast to other provinces, having increased over the seven-year period by 1.3 per cent. The trend in Quebec is opposite to that in Ontario; it started at a lower rate than Ontario in 1970-71, namely 26.1 per cent, as compared to Ontario's 28.8 per cent, but ended with a higher percentage of 28.4 per cent as compared to ours at 27.4 per cent.

Mr. Wildman: What's the point?

Mr. Baetz: The sharpest decline in the percentage of provincial expenditures going to education took place in Alberta. It dropped from the highest at 31.3 per cent in 1970-71 to among the lowest at 22.9 per cent in 1976-77. The drop of 8.4 per cent in expenditures going to education in Alberta was matched only by Manitoba, where the drop was 7.7 per cent during the same period.

In the next session of the debate on the budget, Mr. Speaker, I hope to continue with these comparative expenditures. In the meantime, they will be available for members of the Legislature. I released them today to the press. Frankly, I feel that they paint for us a very significant picture.

Mr. Haggerty: Yes, that the Tories have got to go.

Mr. Baetz: It is the first time some statis-

tical material and comparative material has been made available and published. I suggest that this kind of an approach, in spite of its limitations, has a great deal more merit than some of the mush we've been listening to in this House for a long time.

Mr. Germa: Mush? What are you talking about?

On motion by Mr. Baetz, the debate was adjourned.

On motion by Hon. Mr. Parrott, the House adjourned at 10:29 p.m.

CONTENTS

Thursday, November 17, 1977

Budget debate, continued, Mr. G. I. Miller, Mr. Samis, Mr. Baetz	1981
Motion to adjourn debate, Mr. Baetz, agreed to	2005
Motion to adjourn, Mr. Parrott, agreed to	2005

SPEAKERS IN THIS ISSUE

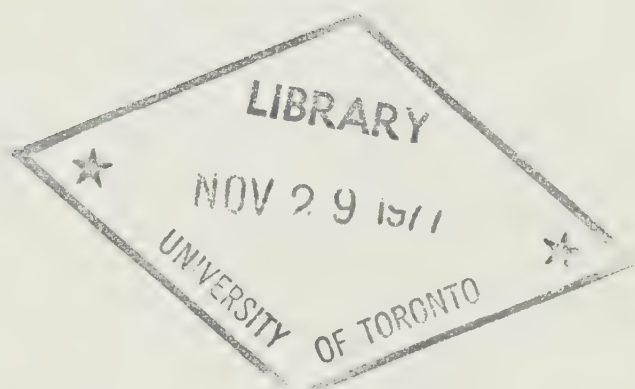
Baetz, R. C. (Ottawa West PC)
 Bernier, Hon. L.; Minister of Northern Affairs (Kenora PC)
 Eakins, J. (Victoria-Haliburton L)
 Foulds, J. F. (Port Arthur NDP)
 Gaunt, M. (Huron-Bruce L)
 Gregory, M. E. C. (Mississauga East PC)
 Haggerty, R. (Erie L)
 Hennessy, M. (Fort William PC)
 Maeck, L. (Parry Sound PC)
 Makarchuk, M. (Brantford NDP)
 Miller, G. I. (Haldimand-Norfolk L)
 Parrott, Hon. H. C.; Minister of Colleges and Universities (Oxford PC)
 Reid, T. P. (Rainy River L)
 Ruston, R. F. (Essex North L)
 Samis, G. (Cornwall NDP)
 Stokes, Hon. J. E.; Speaker (Lake Nipigon NDP)
 Wildman, B. (Algoma NDP)
 Ziemba, E. (High Park-Swansea NDP)



No. 54

Legislature of Ontario Debates

Official Report (Hansard)
Daily Edition



First Session, 31st Parliament

Friday, November 18, 1977

Speaker: Honourable John E. Stokes

Clerk: Roderick Lewis, Q.C.

CONTENTS

A list of the speakers taking part in the debates in this issue of Hansard appears, in alphabetical order, at the back of this issue.

Daily contents of proceedings also appears at the back of this issue. Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff. Phone 965-2159.

Hansard subscription price is \$15.00 per session, from: Sessional Subscription Service, Printing Services Branch, Ministry of Government Services, 9th Floor, Ferguson Block, Parliament Buildings, Toronto M7A 1N3. Phone 965-2238.

Published by the Legislature of the Province of Ontario.
Editor of Debates: Peter Brannan.



LEGISLATURE OF ONTARIO

FRIDAY, NOVEMBER 18, 1977

The House met at 10 a.m.

Prayers.

OBSERVANCE OF RULES

Mr. Sargent: Mr. Speaker, on a point of privilege.

Mr. Deputy Speaker: Point of privilege.

Mr. Sargent: I had hoped that the Speaker would be here this morning. I wanted to talk to him directly. But now that it's on my mind, I will put it through the Chair to the House.

On the point of privilege, with respect to same, I rise to question the use of the powers delegated to the Speaker of this House by our minority government. It may seem a bit out of character for me, in view of my past confrontations with Speakers, that I should question the Speaker's methods of cracking the whip. I admit I've been ejected three times from the Legislature in 15 years. In every case the ends justified the means and I won my case with the government, amounting to many hundreds of thousands of dollars.

In commending the Speaker on his overzealousness in his approach to his responsibility, I suggest he has at times been a bit drunk with power. I realize every member of the House has equal rights. Everyone has. I strenuously object to the past three days when I've been on the question period and to the fact that when I got on yesterday, he gave me one minute to have my question answered and then he cut me off in the middle of my question.

Finally, I would say I will try to adhere to the rules of this House. But if I can't be heard I will challenge the Speaker, and he can use the inevitable result of ejecting me. In other words, I think he should start to cool it a bit.

Mr. Nixon: What does Claire Hoy think?

Mr. Deputy Speaker: I will say to the hon. member for Grey-Bruce that I will see this message is carried to Mr. Speaker.

Mr. Lewis: He will reply on Monday, I have no doubt.

VISITORS

Hon. W. Newman: Mr. Speaker, I take great pride this morning in introducing some

guests who are visiting the great province of Ontario. They are three gentlemen who have made a great contribution to the agricultural industry of this country. I take pleasure in introducing in the Speaker's gallery Hon. James Hewitt, Minister of Agriculture for the province of British Columbia, Hon. Malcolm MacLeod, Minister of Agriculture and Rural Development for the province of New Brunswick, and Mr. Mory King, the associate deputy minister of agriculture.

Mr. Deputy Speaker: Statements by the ministry.

Mr. Lewis: Is there no significance in the front bench this morning?

Mr. Deputy Speaker: Order.

ORAL QUESTIONS

HYDRO CONTRACTS

Mr. S. Smith: Mr. Speaker, I'd like to question the Premier if I might this morning. Can the Premier explain what seems to me to be an inordinate delay in replying to a question I asked him on November 1, about setting up a committee to look at Hydro and matters related to that corporation? At that time he said, and I quote: "I hope to have something for the House on November 3." It's now November 18. Is the Premier aware that his House leader has now said it will be only next Thursday or Friday before even draft terms of reference are available? We've been discussing this for six weeks. Can the Premier please explain why the delaying tactics are being used in this particular instance?

Hon. Mr. Davis: Mr. Speaker, I understand the desire on the part of the Leader of the Opposition. My understanding was that this committee would start its activities early in the new year. There has been some suggestion in the past few days that it would be helpful to have the terms of reference and have an opportunity, on the part of the committee, to organize its work and timetable. I believe the House leader mentioned to the other two House leaders this week that we would have draft terms of reference and probably can have the motion put through next week.

There is no inordinate delay. We have had two or three other issues to deal with. The

demand on time in terms of the personnel of members of this House is not insignificant. If memory serves me correctly, we did wait for several days to get reactions on the proposed terms of reference with respect to Inco—I'm right in that observation, I think. I am right.

Mr. Reid: Why did you ask if you were so right?

Hon. Mr. Davis: The member nodded his head in a negative fashion. He can ask his own House leader. We were delayed somewhat in the establishment of those terms of reference.

Mr. Nixon: Why are you so hesitant?

Hon. Mr. Davis: I think it's important that we conduct the business in an orderly fashion. We did have that particular committee which I felt had some measure of priority. The Leader of the Opposition may not sense that same degree of priority that I do, but we were anxious to get it under way. However, I can assure the Leader of the Opposition, through his own House leader who had discussions, I believe, yesterday morning at breakfast time—a very cordial meeting—when this was fully explained. I believe his House leader understands it, and perhaps if he'd have a consultation with him he might get all of the relevant information.

Mr. S. Smith: By way of a supplementary, since the Premier seems to be under the misapprehension that there is some agreement that we should wait until the new year, whereas really it's his idea to wait until the new year, is it simply the fact that he hopes that he may have had an opportunity over Christmas to shuffle his cabinet and put a different Energy minister forward for the sake of this committee hearing in the new year?

Interjections.

Mr. Lewis: Send Taylor back to Community and Social Services and Norton back to Corrections.

Hon. Mr. Davis: Mr. Speaker, I assume from the questions being asked by the Leader of the Opposition, and the discussions that have been held, and the understandings that came from the previous select committee on Hydro, that it was, by and large, the officials and personnel at Ontario Hydro that the Leader of the Opposition was most anxious to question. If it is just a case of wanting to ask questions of the Minister of Energy (Mr. J. A. Taylor), of course that opportunity is open to the Leader of the Opposition four days a week.

Mr. Nixon: He won't answer the questions in here.

Mr. S. Smith: He told me not to do that.

Mr. Nixon: He says to go ask Hydro.

Hon. Mr. Davis: I can assure the hon. Leader of the Opposition that it is my intent, in what will be probably a relatively brief Christmas recess, on the assumption that we do prorogue on December 16, or perhaps 21, that I will be devoting part of that to public responsibility. I also intend, I must confess, to spend a little time in limited preparation for Christmas myself and that preparation will not involve any reorganization of the cabinet of this province. So if the Leader of the Opposition is expecting some significant Christmas Eve message—I am sure he isn't, but in case he is—I have got to tell him that that will not be the occasion.

Mr. S. Smith: I will have my chimney open for you.

Mr. Nixon: Have it enlarged.

Mr. Lewis: You think Jim Taylor is evasive, do you?

Mr. S. Smith: Well, privately I will discuss with the Premier the fact that his Energy minister told me to stop asking him questions in the House.

Hon. Mr. Davis: Well, they were becoming somewhat redundant.

Mr. Lewis: I have a petition to move him to ComSoc.

Mr. Deputy Speaker: Order. Would you place your second question?

INCIDENCE OF RAPE

Mr. S. Smith: Yes, Mr. Speaker, forgive me, forgive me. I would like to ask a question of the Solicitor General. Does he share with us the grave concern which I think a lot of Ontarians have today about the rapid increase in crimes against women, and for that matter against children as well? In particular, I draw his attention to the 36 or 37 per cent increase in reported rape in Metro Toronto alone during the past year.

If he does share our concern about this, what is he doing about it? Has he undertaken such matters as setting up special rape squads, having more women police officers, educating women as to what they can do to avoid rape, doing studies in the settings for rape and trying to think of environmental ways of avoiding it? Has he any plans at all to deal with this very alarming problem which has afflicted Ontario in recent times?

Hon. Mr. MacBeth: Mr. Speaker, of course, we are all concerned about it and I am likewise concerned. I wish that I had some simple and easy answer for some of the ills of today's society. During the estimates we talked about the matter of racial discrimination as though it was the responsibility of the police to clear these things up. Certainly the police are working in matters of discrimination just as they are working in all fields of crime, particularly the crimes the member is talking about, rape and crimes against young people. I suppose child abuse is one of the worst of those things.

I sometimes say, as I said in the estimates, it is a little unfair to expect the police to cure the ills of society, and goodness knows there are many of them. By the time these things are happening it's almost too late to expect the police to do it, but certainly that doesn't mean they do not have a responsibility to do their best.

The member asks what in particular we are doing in regard to this. The other day I noticed Chief Adamson of the Metropolitan Toronto police force said he thought little could be gained by special squads of one sort or another; that it had to be done by counselling of one sort or another and by encouraging—I shouldn't say encouraging, but by placing more women police officers into this field. This is being done.

Most of these problems are in the large municipalities, dealing with the municipal police forces across the province rather than with the OPP; not exclusively of course, but more particularly in the larger municipalities.

I can't relate anything definite that I have done in regard to it, other than encouraging the local police forces of one sort or another to carry on the work, but I will have a conference with some of the police people. I think the suggestion is a good one to see whether there is anything more that we can be doing other than what the local police forces are presently doing. The suggestion is good.

[10:15]

Mr. S. Smith: I want to thank the minister for his constructive answer, although I do feel more could have been done. In his conference with these police officers, would he try to find whatever studies are available regarding the matters I did raise, such as teaching an education program, teaching women how to avoid rape, how to avoid settings where rape occurs, encouragement of self-defence programs and encouragement of people to report rape and to report it

more quickly, so that there can be greater police work done in the area?

Can he try, in this time of restraint, to find some funds to assist those metropolitan areas—not just Toronto—where this is a problem, to make the whole problem better known to the community and at least to change some of the attitudes among people who regrettably seem to think, at least in some quarters, that rape is a minor matter, a sexual matter, when in point of fact it is a very serious life-threatening aggression against half the human race basically?

Hon. Mr. MacBeth: I don't want to leave the impression the police themselves are not doing anything about this because many of the forces are. In the matter of rape, the police are now showing films of one sort or another in various community programs. Some of them are controversial films. I have seen one of them myself and I know these films are available and are being shown. They do conduct various classes in various communities.

The whole matter of what a woman should do in this circumstance is very controversial. One says "submit" and somebody else says "no, don't submit." As I say, the whole question is very controversial, but the police are doing what they can.

The specific question the Leader of the Opposition asked me is what I have done as Solicitor General. I must admit that I myself have not called any conference. That is the sort of thing I will do and try to co-ordinate some of these efforts and put together the programs the various forces do have to see if we can't have a provincial campaign to improve the situation.

Mr. Lewis: Mr. Speaker, may I ask one short supplementary? Why is it not possible to respond in a very specific way to some very compelling and specific requests for funding of the crisis centres, particularly the Rape Crisis Centre—and those in other parts of Ontario as well as Metropolitan Toronto—which has such difficulty and does such first-rate work? Is that not one of the obvious and compelling responses in terms of education and assistance? I don't pretend it will solve it, but it doesn't put all the reliance on the police.

Hon. Mr. MacBeth: I think these rape crisis centres do a great deal in coming to the aid of women.

Mr. Lewis: Then why cut back?

Hon. Mr. MacBeth: We have not regarded that as one of the police functions to date. There has not been any provision for such

in the Solicitor General's budget. Most of these would be dealt with in the police budgets and the municipal budgets as such. More likely, I think they would be in one of the social welfare budgets either at the municipal or provincial level. That is certainly one of the avenues we will undertake to investigate in the suggestion of the Leader of the Opposition.

Ms. Gigantes: They are getting cut in half.

Mrs. Campbell: Supplementary: Would it be possible for the Solicitor General to discuss this problem with the Minister of Community and Social Services (Mr. Norton)? Why should it be left to the municipalities to fund? Why should not the province at least take some initiatives in this area? Would the minister be prepared to have a discussion with the Attorney General (Mr. McMurtry) and with the Minister of Community and Social Services to try to ensure that at least in one field in this province there is a real desire to protect women, rather than creating discrimination by the government's practices against them.

Hon. Mr. MacBeth: I really don't follow the purport of that question. Certainly nothing we are doing is trying to discriminate in the way the member has suggested. I am trying to take a very positive approach to the problem. I have admitted that the question the Leader of the Opposition raised is a good question, and I may be at fault in not trying to co-ordinate this serious problem earlier.

But as I said, it doesn't mean that people in the various ministries and the various authorities at both provincial and municipal levels are not concerned with it. They are doing things with it. In so far as financing is concerned, I'll be glad to consult with the ministers whom she has suggested and take those various ministries into the conference that I have suggested I would convene.

Mr. Breagh: Supplementary: I'd like to ask the minister if he would consider utilizing the personnel who are currently working in the rape crisis centres to make an attempt to humanize the investigation and the reporting of rape by the police.

It strikes me that there are people working in the crisis centres who could be of great assistance to a police force that's having difficulty in its investigation process. That awkwardness and that inhumaneness that goes into the investigation very often slows up the reporting system that's there.

That might also be one way that the minister could certainly justify the use of funds from the police force, because he would be

using people from the crisis centre as a resource for the policing system. Would he be prepared to consider that?

Hon. Mr. MacBeth: Yes, Mr. Speaker, I'd be glad to take into consideration anybody who has any helpful suggestions to make. I would think the people who operate these crisis centres would be some of the first we would consult.

But in that regard, I think the police system of dealing with sexual assaults has been improved very considerably in the last few years, and this is where women in the police force have been of great assistance to us in having a sympathetic approach to women who have suffered these attacks. The police-woman is able to deal with them in a way that a man cannot. So yes, we will certainly take these people into our consultation.

USE OF MEDICAL DATA

Mr. Lewis: A question of the Minister of Health: How do we reconcile the minister's reassurances in the House, with the observation of the president of the Ontario Medical Association, Dr. Loeb, from Ottawa, that hospital laboratory medical records are as vulnerable to "indiscriminate inspection by unauthorized parties" as any records in the province? How do we satisfy ourselves about the confidentiality of such matters when the president of the Ontario Medical Association expresses this kind of assertion? He relates it to the computer data.

Hon. Mr. Timbrell: I read the article this morning. I think what Dr. Loeb was doing was emphasizing, as I and previous Ministers of Health have, that security of information, whether it be an x-ray file in a medical or hospital laboratory or a file in the computer at OHIP, is something which requires the vigilance of everybody from the initial practitioner through to the person who finally punches the information into the computer system.

Undoubtedly, it's a problem. Undoubtedly, the greatest problem we have is the fact that various individuals do come into contact with the information. We are, therefore, always reliant on oaths of confidentiality, oaths of secrecy and, finally, the trustworthiness of individual people.

Mr. Lewis: Supplementary: What concerns me is the categorical assertion by the head of the Ontario Medical Association that there is indiscriminate inspection by unauthorized parties. He goes on to say that it is commonplace for insurance companies, lawyers, law enforcement agencies, et cetera, to request information generally from hospital files

without the knowledge of the patient or the physician. Is the minister prepared to ask the Ontario Medical Association to give him some proof of these sweeping assertions?

Hon. Mr. Timbrell: Mr. Speaker, as the hon. member may know, I meet once a month with the Ontario Medical Association as well as with the College of Physicians and Surgeons. If they haven't already put it on the agenda for our next meeting, which I think is in about 10 days' time, then we will.

I am aware that there are all kinds of requests that come in to hospitals—public and psychiatric and so forth—but there are not all kinds of pieces of information that go out.

Mr. Reid: Can the Minister of Health table in the House, a resumé of the security of information that exists within his ministry in regard to OHIP and those kinds of things—I presume when he makes a report on the information that somehow got out in regard to people who supposedly had some medical problems we have read about in the press in the last few weeks?

Hon. Mr. Timbrell: Which one? Sotto voce.

Yes, this is being discussed in estimates committee at the present time. Hopefully it would satisfy the member's interest if I do it there and therefore it is on the record. We have already discussed it to a certain extent. In fact, as I recall, we are on the OHIP item right now.

Mr. Deans: Supplementary: Can the minister indicate whether, in the case of psychiatric hospitals in particular, there is a record kept by each hospital of each occasion when a file is requisitioned by any police force, and whether or not the purpose of the requisitioning or requesting of the file is recorded? If so, is it possible, with the appropriate safeguards with regard to the individuals involved, for us to have a record made available to the House of the numbers of occasions when files were requisitioned by police forces across the country from psychiatric hospitals in the province of Ontario?

Hon. Mr. Timbrell: I think, Mr. Speaker, it is probably best if I take that as notice to include with the answer I have yet to give to the hon. member's earlier question of yesterday, I think, in a similar vein. I would just repeat what I said yesterday: To the best of my knowledge and recollection of the statutes, there is no such thing as requisitioning a file.

Mr. Deans: It may be a bad choice of words.

An hon. member: How about pilfering?

Mr. Deans: I don't know what you would call it.

Hon. Mr. Davis: How about leaving it on your desk for the press?

Hon. Mr. Timbrell: But I will take that as notice and include it with my response to the member's earlier questions.

Mr. Deans: Supplementary question: I want to be sure the minister understands. I want to know whether or not each psychiatric hospital maintains a record in a logbook of each occasion when there are files taken from that hospital with regard to patients or former patients, and whether or not in that logbook there is a clear indication of the purpose for the file having been required and what documentation was produced in order to acquire it?

Hon. Mr. Timbrell: Mr. Speaker, I understood the question and will reply.

CHILDREN'S SERVICES

Mr. Lewis: A question of the Minister of Community and Social Services. Did the minister notice—I am sure he must have, he is such a perceptive fellow—that his associate deputy minister, Judge Thomson, indicated that he felt the minister didn't understand the extent and scope of the activities of the minister's committee looking into the placement of children in the province of Ontario? Why is there, generously speaking, such a shambles within the children's services division of his ministry that he, as minister, doesn't understand crucial matters about it and that crucial decisions are not communicated to the judges involved?

Hon. Mr. Norton: Mr. Speaker, I am not sure I would agree with all the assumptions that were expressed in that question.

Mr. Lewis: But most of them, I am sure.

Hon. Mr. Norton: I must admit that whether it was my verbosity or lack of verbosity yesterday, I didn't get a chance to fully expound upon, or respond to, the question that had been asked. Some confusion may have arisen as a result of my reference to a committee which is operating in Metropolitan Toronto known as Impact, in which people from our ministry participate—several of the senior people in the ministry—and also, as a result, my reference to the committee. I don't think I made any distinction when I was talking about committees.

[10:30]

There is also a senior planning committee within the children's services division composed of the most senior people there, who also receive from time to time requests from

Impact, in the case of Metropolitan Toronto, from a variety of other sources about the province, for special assistance in the placement of difficult-to-place children. This, as I tried to indicate yesterday, would apply particularly to children where the courts have experienced difficulty in finding an appropriate placement or where they may have tried a variety of placements which have not worked, and in some cases results in our ministry participating in the establishment of a special placement for that child.

I know personally of one case where after a variety of efforts, there appeared to be no appropriate placement available; so, through a family who were friends of the family of the child, and with the active, almost full-time support of three professional people working within that family, a special placement was created for that child. That is the kind of intervention that we have tried to make available in very special cases of difficult-to-place children.

Apparently, according to comments in the newspaper this morning, not all judges have been aware of that. It is my understanding that the people in my ministry assumed that if this kind of problem were encountered, it would be logical that they would contact and make inquiries of the ministry for their assistance. Unfortunately, not all judges apparently have been aware of that.

Mr. Lewis: By way of supplementary, why would the minister expect judges to do that since there don't seem to be any obvious additional places available in Ontario, despite the consolidation within his ministry? Or to put it another way very briefly, isn't it a terribly disappointing business that after Norma Dean, after the consolidation, after the removal of section 8 from the Training Schools Act, we still do not seem to have achieved, in any way, a measurable, additional number of treatment spaces?

Hon. Mr. Norton: I think it is important that the hon. member bear in mind that the amalgamation of children's services has been in effect only since July 1 of this year. A great deal of effort has been put into planning for the development of further services for children in the province. I admit that in that period of time we have not been able to create miraculously across the province—

Mr. Lewis: That was promised us.

Hon. Mr. Norton: Listen, that was not promised. I made very clear statements in this House, prior to July 1 and on July 1, in terms of the objectives that we had set for this year and for into next year. At no

time did I pretend that we had the capacity within a matter of a few months to create new placements across this province.

Mr. Lewis: When we removed section 8, we were told alternatives would be available.

Hon. Mr. Norton: In fact, in cases of section 8 children, we continue to maintain a special fund, again with the kind of involvement I have indicated, to assist those children. Where the placements that have been made within existing facilities or in communities across this province are not successful, then we participate in assisting to find or to create an appropriate placement for that child.

Mrs. Campbell: Supplementary: Could the minister explain to this House which committee the chief judge of the family court sits on?

Hon. Mr. Norton: He is a member of Impact.

Mr. McClellan: Supplementary: Could the minister explain why it is that judges are reporting that they are still forced to send children in need of mental health care to training schools, despite all of the promises that were made before and since the removal of section 8 of the Training Schools Act? Secondly, what facilities does the ministry plan to build to meet the obvious urgent need for mental health treatment facilities?

Mrs. Campbell: We need the guidelines first.

Hon. Mr. Norton: I am not sure I can explain why judges are saying what they are saying. I can assure the hon. member that it troubles me very much that it is being said on the assumption that it is happening, in fact. I am not sure the statements I have seen indicate that they say they are forced. I think they admit there are times when the courts do place children—

Mr. McClellan: There are no options.

Hon. Mr. Norton: —who may suffer from mental disorders in training schools. I assure the hon. member that troubles me very much.

With respect to what do we propose to do, our plans for the most immediate future are to provide expanded facilities for juveniles, or in some cases, services where they didn't exist in particular deficient areas of the province; that is, where there is a deficiency of services in the locality. One of our top priorities is to improve the service to children in northern Ontario. Particular groups include native groups and francophone children in the province, for whom there hasn't been adequate service.

We have a whole range of priorities that we are working on; in terms of the first priorities, those will be the two we will direct our attention to.

Mr. Haggerty: Just table it and we will know.

Mr. Foulds: Can the minister tell us how soon we may expect any kind of facility for disturbed children in Thunder Bay, which now has to put children into either an adult ward at a psychiatric hospital, into the lockup in the jail or into a general hospital?

Hon. Mr. Norton: I cannot be more specific at this point than to indicate that it is my hope, and it is our plan, that we would be able to move ahead in northern Ontario and northeastern Ontario in the next fiscal year.

DEATH OF FORMER MEMBER

Hon. Mr. Davis: I would like to interrupt, with the permission of the House. I unfortunately have a rather urgent meeting and I thought the members would wish to know that I've just been informed that a former colleague of ours, Mr. Alex Carruthers, passed away this morning. I'd like to publicly address our regrets to his family. I don't have any details for members of the House about the time of the service. I expect it will be on Monday and suitable arrangements, I'm sure, will be made. We will inform your office, Mr. Speaker, as to the arrangements. I wanted the hon. members to know this information I just received.

BERNICE BATTIE

Mr. Riddell: A question for the Minister of Health regarding the expenses of a Mrs. Bernice Battie, former patient of the London Psychiatric Hospital, now residing at Meadowcrest Home. Will the minister inform the House as to what action he has taken to assume Mrs. Battie's expenses, as he was asked to do by the Attorney General (Mr. McMurtry) a month ago? This is a matter which has now been going on for over two years.

Hon. Mr. Timbrell: I will take that as notice, Mr. Speaker.

Mr. Riddell: Supplementary: The minister might remind the Attorney General that I have corresponded with him more than once about this matter. May I remind the minister that both the Ministry of Correctional Services and the Ministry of the Attorney General have said payment of the account is not within their powers. It surely cannot be up to Mrs. Battie to pay when she is being held under a Lieutenant Governor's warrant.

The Attorney General says it is within the power of the Minister of Health. Why wait for it? Why won't the minister pay it before Meadowcrest Home has to stop operating?

Hon. Mr. Timbrell: Mr. Speaker, it may surprise the member to know that I have a lot of correspondence with most members about a great many cases.

I must say it sickens me to see a member try to march along in power on the backs of the ill in this fashion. It really does sicken me.

Interjections.

Hon. Mr. Timbrell: I will get you the information just as soon as it is possible.

Mr. Riddell: Supplementary, Mr. Speaker: To suggest that I am marching along on the backs—

Mr. Deputy Speaker: Final supplementary, and would you end with a question shortly?

Mr. Riddell: Is the minister aware of the fact that unless this bill is paid within the very near future, the group home approved by the ministry will no longer be able to stay in operation, and that it's necessary that this bill be paid right away?

ASSISTANCE FOR ISOLATED COMMUNITIES

Mr. Wildman: I have a question for the Minister of Northern Affairs. In view of the fact that it is about 11 months since the Isolated Communities' Assistance Fund was first announced by the government last December, and seven or eight months since the first group of grants for fire protection to northern communities was made, including Montreal River Harbour and Searchmont in the Sault north area in my riding, and further, in view of the fact that similar communities in the same area were denied funds and members of the minister's staff asked me if I know the reason, when are we finally going to have definitive criteria set by the ministry for determining what types of communities are qualified and which aren't and for what various types of assistance?

Hon. Mr. Bernier: As the hon. member has correctly pointed out, this is a new program dealing with the unique problems of unorganized communities in northern Ontario, and I would point out to him that in the first part of the program, which came into being a year ago, we gave out \$238,000 in grants.

Mr. Wildman: That was Natural Resources.

Hon. Mr. Bernier: Yes. Since then, applications have been flowing into the new

Ministry of Northern Affairs and these are being dealt with on a very regular basis. In fact, we're looking at ways we can expedite those particular requests within our own ministry, possibly removing it from the NORT committee. As the member knows, they're dealt with on a monthly basis there. We thought if we changed the direction maybe we could handle it on a weekly basis in our own departmental structure.

I would say to the hon. member that the whole aspect of the ICAF fund is being reviewed. I expect a report from my staff within a matter of the next few days. We intend to go very carefully because we know there are ways that we can improve the program. In fact, just last week I met with UCANO West and UCANO East in Thunder Bay to go over a number of the points they had brought forward and to review them in detail with them. We'll continue that discussion and hope we can improve it some more.

Mr. Wildman: Supplementary: When will the fire protection committees in communities that have been granted funds under the program be advised by the Ministry of Northern Affairs or the fire marshal's office how they should spend those funds? Why has it taken so long for us to get the report the minister speaks about, when I was first told it was going to be ready in September and now we're told that perhaps it will not be until the end of November?

Hon. Mr. Bernier: We're working very closely with the Solicitor General's office, particularly the fire marshal's office. I can say we're getting the utmost co-operation from that particular group. There are a number of requests before us and, with the minimum amount of staff that's available to cover that huge area of northern Ontario, it is causing us some problems. But I'm confident with the discussions we've had in the last two weeks that things will be speeded up from both ends.

THUNDER BAY COURTHOUSE

Hon. Mr. McCague: Earlier this week the member for Port Arthur asked various questions about the Thunder Bay courthouse. As he probably knows, the building was erected under a lease-back by John H. McCormick Limited, and we occupied it in June 1974. Since that date, there have been a number of problems, as the member has pointed out. There has been a lack of action on the part of the lessor, who has failed to rectify the problems as they occur.

Currently, rental payments are being withheld and will continue to be withheld until

the developer is prepared to correct the problem. I should mention that since September 1976 we have deducted \$4,500 per month from previous rents to offset expenditures we have had to make. He also asked what the monthly payment was. It is \$9,286.15.

Mr. Foulds: Supplementary: Has the ministry done an estimate of the costs that it would take to rehabilitate the building or whether the building is salvageable? Is the minister aware that the current figure being used in Thunder Bay, for example, is \$250,000 and there is a structural fault in which one side of the building seems to have slipped off the piling so that the building tilts somewhat like the leaning tower of Pisa?

Mr. S. Smith: Like the scales of justice.

Hon. Mr. Bernier: One of the seven wonders?

Mr. Foulds: Does he know whether or not that is rectifiable? If it is not, would it not be better to abandon the building and find facilities elsewhere.

Mr. Makarchuk: That's a good comparison—the leaning tower of Thunder Bay.

Hon. Mr. McCague: It is the opinion of my staff that the building is salvageable.

[10:45]

Mr. Breaugh: But will it sink?

Mr. McClellan: Or will it float?

Mr. S. Smith: Which salvage company is going to do it?

Hon. Mr. McCague: The hon. member pointed out that it might float. I understand we have some water problems. However, I'm not aware of what the costs would be. If the hon. member would like that information I will attempt to get it. It is the opinion of the staff that the building should not be abandoned.

Mr. Foulds: Could the minister, in his further investigations, find out whether or not soil tests were done on that site, which is currently known as Jessiman's Folly, when the previous minister had refused to locate the building at an Intercity location because he said, at that time, the soil tests at Intercity were not adequate? How is it that the soil tests at this site were so adequate when there was an artesian well running, over which they built the building?

Hon. Mr. McCague: If I went to the registry office would I be able to locate this property under the title of Jessiman's Folly? What is the location? Could the member inform me?

Mr. Deputy Speaker: I'm sorry, I'm afraid the questioning is going the wrong way here.

Would the minister answer the question?

Mr. Foulds: On a matter of personal privilege, I would be glad to inform the minister of what's going on in his ministry and what is wrong with the site.

Mr. Deputy Speaker: Order.

Mr. Lewis: The minister didn't sit here with Jim Jessiman. The whole thing was a folly.

WASTE DISPOSAL

Mr. G. I. Miller: I have a question of the Minister of the Environment. Is the minister aware that near Woodstock, Ontario, there are approximately seven homes that have had no fresh water since April 1976, since a nearby landfill site has contaminated their wells? Could the minister please tell me what his ministry is doing about this situation?

Hon. Mr. Kerr: Yes. The landfill site has been closed as a result of our investigation. The hon. member for Oxford (Mr. Parrott) contacted me about this earlier in the year. We're now attempting either to restore the existing wells or to arrange for piped water to the seven homes affected.

Mr. Reed: Supplementary: Since this matter is a problem which affects every landfill site in the province of Ontario, when is the ministry finally going to set goals for resource recovery systems and set them up as a provincial goal and get us out of the garbage dump mentality once and for all?

Hon. Mr. Kerr: Mr. Speaker, this is a privately-operated dump that has been in existence for a number of years. It is not a sanitary landfill site in any way, shape or form. There apparently have been a number of long-term contracts with the municipality and, as has been said earlier this year, it was found that it was contaminating a number of wells in that area. We are closing the site. The site should really have been closed by the municipality some time ago.

As far as resource recovery is concerned, the hon. member knows that we are moving into that area. We are building resource recovery plants. We have arrangements with municipalities to get into that type of disposal, but we'll always have some need for sanitary landfill sites. Sanitary landfill sites can be very safe if they're properly operated, properly located and properly monitored.

Mr. Gaunt: Supplementary: Notwithstanding the fact that this is a private landfill site, and notwithstanding the fact that there will always be some need for landfill sites across the province, is the minister prepared to review the total commitment which the min-

istry has to landfill sites at this point in coping with municipal garbage?

Hon. Mr. Kerr: The problem, as the hon. member knows, is that to build resource recovery plants, or a front-end plant, or to get into the type of reclamation plants that the hon. member has been looking at in the last couple of years, and I have as well. We're talking about \$12 and \$15 a ton to the municipality to dispose of garbage rather than \$7 to \$8. So in some way we have to sweeten the pot, increase the incentive to municipalities so that they will get into resource recovery and rely less on landfill.

EPILEPSY

Mr. Mackenzie: To the Minister of Labour: Is the minister aware of the rather tragic story in yesterday's Globe and Mail about one Henry Michalec, epileptic, under Barbara Yaffe's byline? Is she aware of the comments of her colleague, the Provincial Secretary for Social Development (Mrs. Birch), who indicates that the recommendation of the Human Rights Commission that handicapped people be included under the code is one that is, if the quote is right, receiving a lot of attention but where she refuses to be specific as to when we may expect this action? Could the minister tell us when we might get some action on this? It has been raised with her time and again in the estimates, as she knows, by myself and others in connection with the cases of a number of epileptics. It is a very small step that's being asked for here.

Hon. B. Stephenson: Mr. Speaker, the recommendation of the review committee of the Human Rights Commission that those with disabilities, including epilepsy, be included under the code is one which I think could receive unanimous support within the House in very short order. The decision regarding whether we must have an all-encompassing piece of legislation regarding the Human Rights Code revision or whether we should attack this in a piecemeal manner is one which is in the process of being made. I shall be happy to report to the House as soon as it is finalized.

Mr. Mackenzie: That recommendation was made back in July. Whether it's a piecemeal approach or not, it's something that would really be of help to these people, as small a step as it is. I can't see what money is involved. Would the minister say what time we are talking about in terms of when we might expect some action on this?

Hon. B. Stephenson: I am not sure that it does not have some money involvement in

certain areas, but that is not the concern which is impeding anything right at the moment. I would hope that within the very near future we will be able to report to this House on the decision regarding that specific matter.

Mr. S. Smith: In view of the necessity and urgency to get on with a good many of the aspects of the proposed new human rights code, and in view of the obviously controversial nature of certain of the recommendations, would the minister undertake to enter discussions with representatives of all three parties to see whether, in a non-partisan way, we can find some acceptable means of proceeding, so that all the matters may be debated in some way and those which are acceptable may be proceeded with more rapidly in some way, realizing the thorny political nature of this problem? Would the minister undertake to call together representatives of all three parties on this particular issue?

Hon. B. Stephenson: Mr. Speaker, I will be very pleased to consider very seriously, the suggestion of the hon. Leader of the Opposition.

Mr. Cassidy: Mr. Speaker, is the minister now backing away from any commitment to have revisions to the Human Rights Code next year? Can she give a commitment that there will be legislation or at the very least that there is a strong possibility or probability the legislation will come forward?

Hon. B. Stephenson: No, Mr. Speaker, I am not backing away from anything. I am just not prepared to give a specific date, which is what the hon. member asked for.

Mr. Lewis: Because you are slow, tardy, unimaginative and inert.

Hon. B. Stephenson: All of those adjectives apply only to those who perceive that kind of behaviour in themselves.

Mr. Lewis: You just can't look forward in that ministry. You can't do anything except look backwards.

Hon. B. Stephenson: The behaviour of the leader of the third party puzzles me. He is never concerned with facts.

Mr. Deputy Speaker: Order, order.

PIPE PRODUCTION

Mr. Kerrio: Mr. Speaker, I would like to have directed this question to the Premier (Mr. Davis) or to the Minister of Industry and Tourism (Mr. Bennett). It is with some hesitation I direct it to the Minister of Energy.

Hon. J. A. Taylor: Don't hesitate.

Mr. Breaugh: Now is the hour, Jim, and you are it.

An hon. member: Third choice, Jim.

Mr. Kerrio: Is the minister aware of a press release from the Hon. Allan J. MacEachen on the northern pipeline, in which he refers to a particular area and makes this comment: "I might add that we have maintained close contact with interested provincial governments. They have been kept fully informed during the course of negotiations."

If such a statement is correct, was the minister aware at that time that no guarantee of Canadian content of pipe was within the agreements that were reached between Canada and the US on that over \$10 billion pipeline?

Hon. J. A. Taylor: I am always sceptical when I hear that there are guarantees; and, frankly, I did not take that for granted. In our ministry, as soon as we got word as to what was happening on the pipeline, we made contact with our own industry—I am thinking of heavy equipment, those types of operators—to get right in there and get bidding on the work. So we have our ear to the ground and are very aggressive in an area such as that.

Mr. Lewis: The minister has his ear to the ground, does he?

Mr. Foulds: You know where that leaves his rear end.

Interjections.

Mr. Deputy Speaker: Order. A supplementary question.

Mr. Kerrio: Is the minister aware that it is that very thing which concerns many of us in this House? And that he hasn't specifically answered the question. If he was aware at the time and was kept fully informed there was no real commitment to Canadian content, why did he not at that time make the feelings of the government known, and insist on some kind of a—a commitment if he doesn't like to use the word guarantee?

I am asking the minister now, does he think it is too late to get going to see if we can't still do something before the contract is let? I keep appealing day after day, asking the same questions—

Mr. Deputy Speaker: Order. The question has been asked.

Mr. Kerrio: I would like to ask it again.

Mr. Deputy Speaker: Order.

Mr. Kerrio: Would the minister try to do something?

Mr. Deputy Speaker: Order. The question has been asked.

Hon. J. A. Taylor: Mr. Speaker, I think you will agree that you have to be very

attentive on these matters, and we are. I think the member well knows that Ontario as such was not involved in the negotiations in connection with the pipeline agreement.

Interjections.

Hon. B. Stephenson: It has made strong representations.

Hon. J. A. Taylor: I can only speak for my ministry, but we follow these matters very closely, and are ever-mindful of Ontario industry in connection with projects of this nature. I can only speak, as I have, in regard to our interests and the contact that we have made with industry.

Mr. Makarchuk: Supplementary, Mr. Speaker: Can the minister take it for granted from now on—knowing full well how the federal Liberals operate—that every time they negotiate a resource deal or anything related to that the Canadians are taken to the cleaners? Can the minister bear that fact in mind from now on, and whenever any deals are being negotiated would he move in before the deal is consummated?

Mr. Lewis: Exactly, that's right; do something about it.

Hon. J. A. Taylor: As a matter of fact, Mr. Speaker, I think we are becoming more aggressive in connection with these matters. And I would like to see Ontario more aggressive.

Mr. Lewis: You are right.

Hon. B. Stephenson: And it is happening.

Mr. Lewis: You know what your problem is, don't you? You are a bunch of pettifogging, slow-witted bumlbers.

Interjections.

Hon. W. Newman: Don't take it out on the Legislature.

Mr. Lewis: I am not even impatient this morning.

Mr. Deputy Speaker: Order. A new question from the member for Port Arthur.

AMBULANCE SERVICE

Mr. Foulds: Thank you, Mr. Speaker. I have a question of the Minister of Health: Can the Minister of Health explain the state of paralysis that seems to have seized his ministry in awarding the ambulance service contract for the Thunder Bay region, for which tenders were called in March and closed in April? Many of the bidders have not yet even had an acknowledgement of their submission.

Also, is he aware that unless the contract is finalized soon there will be a continuing deterioration of ambulance services in the

Thunder Bay region, because many of the qualified drivers for the current ambulance services are leaving the service?

Hon. Mr. Timbrell: Mr. Speaker, we reviewed that contract about two weeks ago. I am surprised that word hasn't gone out, because we certainly decided who is the successful applicant. I'm surprised that we haven't announced it in the area. I'll make sure we do so as quickly as possible.

[11:00]

Mr. Foulds: Supplementary: Why is it then that as late as Monday of this week many of the applicants did not know that? Was the successful applicant the applicant from within the ministry who could very well have had a conflict of interest while working for the ministry and making an application for the service?

Hon. Mr. Timbrell: I'm not aware of any connection with the ministry and I don't know why they didn't know of it the first of this week. As I say, it was discussed several weeks ago and we'll get the notice out as soon as possible.

PSI MIND DEVELOPMENT INSTITUTE

Mr. Sweeney: A question of the Minister of Health, Mr. Speaker; it's about Psi again. Can the minister confirm that he has a report from Dr. Craig Powell that definitely links the experience of the three young people from Kitchener with Psi and their ending up in the psychiatric hospital in London?

Hon. Mr. Timbrell: I can't confirm that. I have a report which I just got this week and which, with the pressure of everything else, I haven't even had time to read. I hope to do so on the weekend. But what's in it, I don't know.

Mr. Sweeney: Supplementary: Given that the Psi organization is now getting together weekend retreats for young children, if that report says what I suggest it says, will the minister prevent Psi from doing this?

Hon. Mr. Timbrell: Mr. Speaker, I won't break the law and I can't make a law without approval here. But let me read the report and see whether any further action is recommended on the part of the investigators.

Mrs. Campbell: Supplementary: Has the minister as yet raised with the Attorney General (Mr. McMurtry) the question I asked about the alleged use of hypnosis by Psi? If not, when will he do so?

Hon. Mr. Timbrell: That has, as the hon. member very well knows, or should know, formed part of the investigation as to whether

or not there is any possible infraction of the Hypnosis Act.

Mrs. Campbell: Supplementary: Could we understand why it is that the Attorney General himself states that he is not pursuing that line? And why is the Minister of Health so reluctant to perform his own function as it pertains to the use of hypnosis, or the alleged use of hypnosis?

Hon. Mr. Timbrell: Mr. Speaker, with respect, the member is twisting it around. What I said was that the investigation, which as she knows was launched some months ago, includes the question of whether there is any possible infraction of the Hypnosis Act.

POLLUTION BY PULP AND PAPER COMPANIES

Ms. Bryden: I have a question of the Minister of the Environment. In a press release issued two days ago, the minister stated that his ministry had reviewed the pollution control programs of all pulp and paper mills in the province, and now has 16 control orders—or I should perhaps call them “Kerrtrol” orders, as Pollution Probe does—in effect covering 16 mills.

Mr. Speaker, I would like to ask, since there are about 31 pulp and paper mills in Ontario discharging directly into our surface waters, what action is the minister taking against the other 15 mills, since none of the mills at the moment is meeting the 1965 cleanup standards for suspended solids.

Hon. Mr. Kerr: Mr. Speaker, we don't have control orders on all mills. There are some mills that are under a program and are meeting the provisions of that program. They are meeting our criteria and standards, therefore we don't have them under a specific control order. There are about 10 mills in that category. Some of them are newer, but our monitoring and our checking of their program has satisfied us to the extent that a specific control order is not necessary.

Ms. Bryden: Supplementary: Is the minister saying that the ones that are not under a control order are meeting the 15-milligram level, which is the objective for suspended solids set in 1965 for the entire industry?

Hon. Mr. Kerr: In some cases that is true, Mr. Speaker. But at the same time, if they are on a program and the objective is to meet that criterion, and they are doing so, we don't require a control order.

Mr. Speaker: The oral question period has expired.

REPORT

STANDING ADMINISTRATION OF JUSTICE COMMITTEE

Mr. Davidson, on behalf of Mr. Philip of the standing administration of justice committee, presented the committee's report which was read as follows and adopted:

Your committee begs to report the following bills without amendment:

Bill Pr12, An Act respecting Certain Lands in the Township of Casgrain.

Bill Pr35, An Act respecting Shore and Horwitz Construction Company Limited.

ORDERS OF THE DAY

House in committee of supply.

ESTIMATES, MINISTRY OF THE ATTORNEY GENERAL

(continued)

On vote 1301, item 5, royal commissions:

Mr. Lawlor: I have to get this question in somehow—

Mr. Deputy Chairman: Could I ask the member his indulgence for a moment? Could I ask for order in the House, please? The member for Lakeshore is now dealing with estimates of the Attorney General.

Mr. Lawlor: As I stated, Mr. Chairman, I have to get this question in somehow, so I'll use the royal commissions: Do we have to appoint a royal commission for me to receive certain information I requested by letter from the office of the Attorney General a month ago, and which request I renewed a week ago last Monday, as to what the court situation is, what the loads are throughout the province? Is that too much to ask? If you wish a royal commission to do it—

Hon. Mr. McMurtry: We have prepared additional notes. The document is entitled, “Notes on Estimates for the Fiscal Year 1977-78, Statistical Supplement.” This is a 13-page document. There will be a copy of this delivered to the member for Lakeshore within the next 15 or 20 seconds. This would indicate a pretty comprehensive response to his concerns, as the document does provide a complete statistical breakdown of the case-load in our courts.

Mr. Lawlor: I thank the Attorney General very much. No royal commission will be necessary then, and I shall have a very pleasant weekend.

Mr. Reid: Mr. Chairman, I wonder if I could ask your indulgence, because when

we carry item 5 we will be finished with the first vote, I presume. I just had a matter I wanted to discuss very briefly with the Attorney General, something I have discussed with him in private before. That is the matter of restitution arising out of vandalism or robberies or break-ins, both as it relates to those who are over the juvenile age and those who are under.

In my area of Rainy River we have had a great increase in the number of crimes of vandalism and break and enter. There seems to be a fair proportion of those who are under the age of responsibility, juveniles, but there is a fair proportion of those over that age and a lot of people are suffering property damage and destruction of goods and property—

Mr. Deputy Chairman: This is in no way related to the vote that we are taking now.

Mr. Reid: Mr. Chairman, I realize it is not directly related to royal commissions but I thought perhaps you would—

Mr. Deputy Chairman: It is not even indirectly related.

Mr. Reid: That's true, but I thought perhaps you would allow me some leniency and allow me to discuss this under vote 1301 generally.

Mr. Deputy Chairman: Hearing no objection, I will allow you to continue.

Mr. Reid: I will be very brief. I thought the Attorney General had indicated that he was going to give direction to his Crown attorneys to ask for restitution as well as the other penalties that would be imposed, but it doesn't seem to sort of have filtered down yet. At least the judges do not seem to be imposing restitution for people who, in fact, are suffering these losses.

Hon. Mr. McMurtry: The member is quite right, Mr. Chairman. We have discussed this in the past. At least a year and a half ago I sent out a memorandum to all Crown attorneys in Ontario instructing them to make greater use of the restitution sections of the Criminal Code, and it may be that these instructions are being followed more closely in some areas of the province than in others.

I might say that the issue of restitution in the Criminal Code is a matter that is coming before the Supreme Court of Canada before the end of year in a case by the name of Regina and Zelensky, which emanates from Manitoba. The Manitoba Court of Appeal has ruled those sections of the Criminal Code be ultra vires the federal parliament on the basis that the substance of the legislation is really property and civil rights,

which, as you know, is within the jurisdiction of the provinces, as opposed to a criminal sentence. The government of Manitoba is seeking to uphold the legislation on the basis of the fact that it really is related to sentencing and only incidentally to property and civil rights.

This issue, as I say, will be determined before the end of the year, and if the Supreme Court of Canada gives an adverse ruling in relation to the constitutional validity of the present sections, then in my view the provinces should bring in legislation forthwith to fill the vacuum. That will be my recommendation to the executive council of this province if those sections are struck down.

I think that until this matter is resolved by the Supreme Court of Canada it is difficult for me to accomplish much more than we have, but once that matter is clarified—well, I should also say, Mr. Chairman, in the meantime my instructions to make use of that section stand. Part of the problem perhaps may be that there isn't sufficient communication in some areas of the province between not only Crown attorneys' offices but also individual police officers and the victims, because these sections cannot be utilized effectively unless the complaint, the victim of the vandalism, brings to court proof of the damage.

It is something I am quite prepared to discuss further with the Solicitor General (Mr. MacBeth) in order to improve the communication, because as you know in provincial court in most of these vandalism cases the bringing of witnesses to court and presenting evidence to court is largely in the hands of the police officer who happens to be in charge of the case. I think there has been a communication problem that we will hope to rectify, but I don't want to do much more than I have until the legality of this section has been determined; and in view of the fact that it will be determined before the end of the year, I'm told, we'll have more guidance at that time.

[11:15]

Mr. Deputy Chairman: This matter really comes under vote 1304, which deals with Crown attorneys. You've had your question, and I would ask you to hold anything further on this matter until we get to vote 1304.

Mr. Gaunt: I have a very brief question, if I may, Mr. Chairman. I just want to ask the Attorney General if he has reviewed the matter I talked about. I asked a question about it in the House and I discussed the matter with the Attorney General in respect

to a summons being issued to a constituent of mine. I just wonder if that matter has been checked out.

Hon. Mr. McMurtry: The hon member can correct me if I'm wrong, but I believe it was just earlier this week that the actual summons was delivered to me. I immediately gave it to my director of Crown attorneys to communicate with the local Crown attorney to ascertain just what has happened. Quite frankly, I haven't got a report back as yet and I really didn't expect to have a report before next week. But we'll push it along as quickly as we can.

Mr. Gaunt: I appreciate that, and I don't want the Attorney General to get the feeling I'm pushing him unduly. But I don't want a month to elapse because the hearing has been set for December 22, and I hope we can get the matter resolved long before that.

Mrs. Campbell: I suppose to comply with the way in which we are proceeding in the vote, I will preface my remarks by asking a question. I wonder whether the Attorney General of this province, being concerned with the administration of justice, would be inclined to consider appointing a royal commission to study the whole matter of the problems of women in the province before the courts and in all areas of the law, including legal education.

We heard earlier this morning the discussion with the Solicitor General, who apparently quite readily confirms the statements of Chief Adamson of the Metro police as to the increase in the incidence of rape in Metropolitan Toronto. We know there is no provision for this province to deal with the matter of rape crisis centres; there is no money for that service.

We know that this province has no money to deal with the matters of battered wives; and there is apparently no way in the law that lawyers are interested in moving these cases before the courts in a somewhat speedy fashion so women are not living under siege in their own homes awaiting some kind of disposition of a problem of battering. We see women powerless because the husbands in some cases, or former husbands, have been kidnapping children; and women are left absolutely powerless in these situations.

Then we have the outstanding contribution of the law professors to the whole situation of women in the law. I trust that the Attorney General has read Mr. Outerbridge's interesting lecture to legal secretaries, and I wonder if he is not now concerned with the effect of this kind of publicity, the effect of this kind of adolescent thinking on the

part of people teaching members of the profession who will shortly become lawyers, Crown attorneys, and maybe will grow up some day to be judges. Are we not going to look at this matter from the broad overview? Would it not be conceivable that this might be an important issue to at least half the population of this province?

I have mentioned before the Attorney General's concerns about hockey violence. Why is there no commitment anywhere to a real study, by way of a commission or otherwise, of this total picture of the growing problems of women in our society? Why is there not? How can the Attorney General be a part of a society, a governing society, which permits this kind of thinking in the legal educational system?

It's interesting; some years ago I refused to belong to the Canadian Bar Association on the basis that I did not belong to discriminatory bodies. I have refused to join other organizations where discrimination is shown. I would have hoped the Attorney General of this province, speaking not of administration of law but of administration of justice, would be concerned with the lack of it for, as I say half the population of this province.

Much more realistically, I know the Attorney General is most anxious to proceed with the family law legislation, and I have throughout expressed my support of his thrusts. In fact, I have even said I would try to help to see it moved along, but I'm going to tell you, Mr. Chairman, with this kind of thing before us women are more convinced than ever that the Attorney General is not going to talk "discretion of the courts" to them, he's not going to discuss "discretion" to those who appear to have gone through this system. I wonder if the Attorney General has realized just how sick we see this problem to be in Ontario today.

It was interesting to me that when we had lawyers before us discussing this particular legislation, when the women lawyers appeared the Attorney General couldn't be there. That is understandable, but what they had to say, in reflecting their circumstances and their experiences, was rather disregarded while three men came and were listened to very carefully by the Attorney General—and the men were the "experts," the men were the "experts."

I am rather saddened that when these issues are raised in this House we have the cackle of backroom jokes. This is the mentality prevailing today in circles which ought to be leading us against this kind of thing.

It applies too, to the lack of interest, for some time at least, in the alleged attack on a principal of a school and other women. Perhaps it was nothing more nor less than a Hallowe'en prank or some overzealous boys. The fact is that these were women who were frightened. There isn't any question they were frightened. I cannot prove the allegations one way or the other, but they were frightened by something. If a gun is pointed at a person, can it be done as a joke in this province? Or is it only a joke if it is pointed to a woman? Those are questions that we have to face up to.

I thought there was a law that stated one cannot point a gun. I also thought there was a law that said one doesn't pull the trigger. But apparently in our time in this province there isn't any law; it's a game. We leave it to those who apparently have no real interest in the matter, since they have no real interest in finding out where the incidents—and allegedly there were three of them, not one—took place. There is no interest whatsoever in discussing the matter with those who have claimed to have been victimized. It was only yesterday, I believe, that we began to think that there just might be some reason for the Crown attorney and/or the police to look at this as something serious in our society.

If we can't view these things seriously then there is no wonder that there is a lack of confidence, a very serious lack of confidence, among many women in this province as to the quality of justice. I suggest that perhaps the only way we can regain some kind of real confidence is to have all of these issues discussed publicly. We cannot go on any longer shoving responsibility hither, thither and yon. There have to be answers, and I suggest that perhaps a royal commission is not the worst way to approach it. We have considered other matters of a far less soul-searing nature than this one.

Hon. Mr. McMurtry: I think the member for St. George really is suggesting a royal commission to deal with a very large percentage of the ills in our society today.

Mrs. Campbell: Only within your jurisdiction.

Hon. Mr. McMurtry: With respect, I think she perhaps has more confidence than I have in what can be accomplished by royal commissions in such a broad area.

I have enough confidence in this Legislature to believe that this is the most appropriate forum of all to discuss pressing social issues, whether they relate to the administration of justice directly or indirectly, because

of the issues that have been raised by the hon. member really do represent a very broad spectrum of social problems in the community. I will try and respond specifically to some of the concerns expressed by the hon. member.

[11:30]

In relation to the increase in the incidence of rape, or at least the reporting of rape, I should like simply to indicate to the members what the role of the Ministry of the Attorney General has been. We are not in a position to fund any community services. But in relation to the rape crisis centre in Metropolitan Toronto, which we believe is performing a useful service, I have met with representatives of this centre. I personally established a very close liaison between that crisis centre and the local Crown attorney's office. I am advised by the women in charge of the rape crisis centre that the liaison is an excellent one and has worked out very well.

I have also indicated—

Mrs. Campbell: Provided it is still there to liaise with.

Hon. Mr. McMurtry: I have also indicated to the Crown attorney's office in Toronto that sexual assault cases must be expedited through the courts. I am well aware of the enormous emotional strain that any victim of such an assault is faced with, and I am well aware of the fact that any undue delay in relation to the trying of these cases can only add to the emotional burden.

I have discussed this matter not only with the Crown attorney's office but with the chief judge of the provincial court and the chief justice of the high court in relation to expediting preliminary inquiries. I've also discussed the matter with the chief judge of the judicial district of York in order to see that county court trials proceed.

I have also met with senior police officials in relation to police attitudes towards victims of rape. In doing so I realize that I may be treading in an area that's more properly the responsibility of the Solicitor General. The Solicitor General is well aware of my close association with the Metropolitan Toronto Police Department by reason of my professional association with them as a practising lawyer, so he welcomes any of my initiatives in this regard.

I am sure the hon. member is well aware of a study that was done by—I forget the woman's name, a professor—in relation to the treatment of rape victims. It is some time ago that I read her report, but she was very complimentary, generally speaking, as I recall, of the handling of this very sensitive type of

case by the Metropolitan Toronto Police Department. She had some very positive things to say, and I think there again it indicated a sensitivity in relation to the handling of these very serious cases—very difficult cases from an emotional standpoint—by the members of the Metro force who are given this responsibility.

A view has been expressed that these initiatives that have been taken have resulted in the increase in reporting of incidents of rape or serious sexual assaults. We don't know yet, but I put it forward as a possibility. There may be more victims reporting these incidents than had been the case in the past, because perhaps there is some recognition on the part of the victim that these cases will be treated sensitively by Metropolitan Toronto police officers who are assigned to these cases, who have some degree of expertise, and that they will be treated more sensitively than it was believed they would be by the courts.

As the hon. member knows, there was a recent amendment to the Criminal Code of Canada dealing with the right to cross-examine a complainant on any of her prior history. It is perhaps a little early to attempt to make a value judgement as to the effectiveness of this amendment, but again that was directed towards according fairer treatment to complainants in rape cases.

It just may be that the combination of these initiatives has encouraged a greater percentage of victims to report this. That certainly is the belief of many senior members of the Metropolitan Toronto police department, but again it obviously can't be proven. All I can do is express the hope that this is the case and that there is not an overall increase. Again, one cannot know. I hope these initiatives will continue.

I am not in a position, in these estimates, to comment one way or the other in relation to public resources for community resource centres such as the rape crisis centre. I certainly have made it very clear that I am very supportive of the work that is being done by this centre. I think there should be such a centre in every community of any size, and I would hope that resources can be found to fund these very important social services.

The member probably knows as well, if not better than I, the strains and the demands that are made on our social service system. I have particular priorities in my own mind, of course, and I know the member for St. George has very laudable priorities in her mind. I would hope that if there isn't sufficient funding from the provincial level—and there are enormous demands made on our resources. Having arrived here only two years

ago, when I look at the increase in the social service budget just over the last five years—I believe it has more than tripled—I believe it is an illustration of the demands that are being made.

I would hope that funds will be found locally for rape crisis centres. Public-spirited citizens like the member opposite and myself, I am sure, may even be prepared to make personal contributions in that respect. I think we should also not neglect in these discussions—although we may be going far afield—the very valuable volunteer component that is available.

I must admit, having been very much involved with volunteer agencies in recent years, I don't think nearly enough is made of the volunteer resources. There is always a difficulty with some resources in that there is always a pressure to develop a higher degree of expertise, and therefore to be looking for social workers that are well trained, which certainly is desirable. But when these funds aren't available to hire this type of trained personnel, I would like to think that the community as a whole can—as I know it can—provide most of these resources on a volunteer basis.

I personally know many women who may not be trained social workers but who would be able to man and provide a very valuable and useful service in working and assisting victims of rape cases. I just regret—and again I am going a little far afield—that there hasn't been a greater recognition of this fact. I am not talking specifically in relation to this one rape crisis centre, because my understanding is that they do make great use of volunteer help.

In any event, I don't personally believe that centre will be allowed to fold. I have indicated to them that any assistance they will require from the Ministry of the Attorney General, although we're not a funding ministry, any other assistance will continue to be forthcoming.

In relation to the matter dealing with legal education, I like to think that the incident that was reported earlier this week and that was discussed by the hon. member is not representative of legal education in this province.

Mrs. Campbell: Have you read that report?

Hon. Mr. McMurtry: Yes, I read the documents the hon. member forwarded to me and as I undertook to do, with her personally, I wrote yesterday to the treasurer of the Law Society indicating your concern about the possibility of a sexist-oriented legal education, which as I explained, repeating your concerns, could lead on the one hand to a lack of sen-

sitivity, in dealing with female clients or lack of sensitivity on the part of Crown attorneys in dealing with complainants in sexual assault cases, and, of course, the lack of sensitivity in dealing with female lawyer colleagues, or secretarial help, or any other women who do play such a vital part in the operation of any law office.

I will perhaps be seeing him later today and will discuss it with him in person, but the letter has gone to him, as I assured the member for St. George would happen.

I personally have visited most of the law schools in this province on at least one occasion and I'm impressed by the large number of women who are involved and are being trained in law school and receiving a legal education. As I indicated in the Legislature, when I was in law school I think there were less than a dozen women out of 250. It's now close to a third and although—

Mrs. Campbell: Were you impressed by the number instructing?

Hon. Mr. McMurtry: I really don't have those figures. Of course, I think one has to recognize that women in large numbers taking a law degree is a relatively recent phenomenon. The instructors, teachers and what not are normally people who have had a few years' experience practising law, and of course a large percentage of the women practising law today would probably have been called to the bar five years or less. I would think and I would expect that there would be a dramatic increase in the participation of women in legal education at all levels as we develop these greater resources.

I can say that in this whole area of family law I personally have witnessed the phenomenon of the fact that we are developing a whole new generation of lawyers who are motivated to practising in this area. For example, I attended a dinner that was sponsored, by the Law Society as I recall or it may have been the family law section of the Criminal Bar Association in Ontario; it doesn't really matter who it was. It was in the middle of the week and it was a dinner at a local hotel; some 800 lawyers attended this evening seminar on family law. I have to admit that 10 years ago, if you could have got a corporal's guard out, 10 per cent of that number would have been remarkable. I do think that is a positive development, that there are so many lawyers who are obviously interested in practising in this very important field. I do think this really does, or should bode well for the treatment of women in the legal system because with the enormous number of lawyers involved, I think it cannot help but do that. We have

discussed the family law reform bill and we will be discussing it as it goes before the justice committee of this Legislature.

I think the unified family court is, of course, going to benefit women to a great extent because it is going to make the whole process more accessible. The member for St. George, having served as a judge in the family and juvenile court, knows the importance of that court, knows the potential of that court to serve the community in a very meaningful way in providing greater accessibility in relation to the average citizen. We hope that will be developed.

The hon. member for St. George is also pretty much aware of the make-up of the family court in Metropolitan Toronto, and perhaps throughout the province. I am more familiar, of course, with the judges, all of whom I know in Metropolitan Toronto, and I am cultivating a greater knowledge of the judges outside Metro around the province. I have been very impressed by the quality of the lawyer prepared to serve in the family court. I think we have attracted a clever, intelligent, but above all a sensitive brand of lawyer to that particular court, which again is a positive step, I think, in dealing with these very serious problems.

One of my own appointments in the last year was an outstanding woman lawyer, Judge Abella. I have to tell the member opposite that when I seek people out, not necessarily just for the family court but for various boards which require legal expertise, I have been turned down. I am not speaking specifically of the family court in this area, because I don't want to suggest that anybody who has accepted has been a second choice; Judge Rose Abella, for example, was very much a first choice. But I have been surprised by the number of women lawyers who have simply turned me down in relation to these appointments because of success with their own practices and the fact they just aren't interested in the salaries that we can offer or because it doesn't fit in with their own professional development; they are not prepared to serve on boards such as the Ontario Municipal Board, Land Compensation Board and what not. So I have to say that I am perhaps more optimistic than the member for St. George as to what is going to transpire in the future, and indeed what has happened in the past.

The member for St. George is familiar with my family. She knows that my eldest child, a daughter, is presently working in a law office and hopes to pursue a legal career. I am not as pessimistic as the member is in some of her statements. But I appreciate

that we all resort to a certain amount of poetic licence from time to time.

Mrs. Campbell: There is also a certain amount of truth.

Hon. Mr. McMurtry: Obviously I am optimistic for my daughter's future, and that is not to suggest that the concerns that have been expressed are not legitimate concerns.

Mrs. Campbell: Is there a difference between Montreal and Toronto?

Hon. Mr. McMurtry: It is true. I mentioned to the member earlier in the week that my eldest daughter, whom the member for St. George knows, is working in Montreal, although she intends to pursue a legal education and a career in Ontario. There are a number of reasons she is working in Montreal, not the least of which is to improve her facility in the French language. So I have to be optimistic.

I should also mention that the battered wife syndrome, which is a very serious problem, together with the battered child syndrome, is increasingly occupying the time of social scientists. The member for St. George and myself, and other members, are well aware of the increasing number of seminars that take place in order to try and arrive at solutions to this problem. As I read the reports that come out of some of these meetings I must admit I don't see many specific solutions being proposed. Initiatives yes, and I am not criticizing the social scientists, but I think it is only indicative of the enormous complexity of this area.

The Family Law Reform Act does of course allow a wife, I believe for the first time, to sue her husband civilly for assault. To use an old expression, "get them in their pocketbooks if you want to make progress" might have some application.

Mrs. Campbell: We'll have to wait and see.

Hon. Mr. McMurtry: But we'll have to wait and see.

In relation to the Moss Park incident, I was very disturbed when I read in the press reports that an unnamed member of the Crown attorney's office had allegedly told the police that the matter should be left to the military. I am now advised that this was inaccurate and no such instructions had been given from any representative of our office.

I am further advised—I don't have a complete report yet, I have mainly just a verbal report from the police—that there was some considerable degree of reluctance on the part of some of the women who were involved in this incident to proceed with the

charges themselves. They did not encourage the charges to be laid at all. They themselves, I am told—and this is only from the police—were of the view, initially at least, that the military authorities should be involved rather than the courts. There may be some change in this attitude, but one of my senior Crown attorneys is meeting with the police again today, the director of our city of Toronto office, Mr. McGee, is meeting with the police. I'll have some further report in relation to that.

Ms. Gigantes: I would just like to ask a followup question leading out of suggestions made by the member for St. George. I would like to ask the Attorney General what is essentially different about the request by the member for St. George for a commission to inquire into violence against women in this province and the setting up of the commission on racial incidents and racism in Ontario? When the commission on racism was set up it received approval by all members of this House. It was widely acclaimed by the public and by the press in this province. The need for the commission was well understood and well supported by everyone of good will in this province. It was a recognition that the problem existed. It was a recognition that the problem needed study, needed public examination—

Hon. Mr. McMurtry: On a point of information—if you could assist me by telling me what commission you are referring to?

Ms. Gigantes: I am referring to the commission headed by a former member of this House, Walter Pitman, which is studying racism in Metro Toronto. It seems to me that we are dealing here with the same kind of problem. We're dealing in our society with the notion that there are suitable victims. In one case the suitable victim can be identified by colour of skin, physical traits or language traits. In another case the suitable victims apparently happen to be 50 per cent of this society.

It seems to me that over the years the kind of attitude we've had towards violence to that 50 per cent of society has been such that the Attorney General can stand here today and say it's an enormously complicated problem, a problem that has to be treated with great sensitivity by officials. This is true also of racism. Yet we see fit in Ontario, and I think rightly, to create a commission to inquire into the causes of racism, to see what steps can be taken in society to deal with it and to encourage those members of what some people in society obviously consider suitable victim groups to think of themselves

with dignity and as having rights in society—legal and social rights—that they can ask this society to defend as a normal course of events.

It seems to me we really got a typical response from the Attorney General to the suggestion from the member for St. George for a commission inquiring into the causes of and the possible solutions, however slowly they may be developed, to the problem of violence against women. It's a totally typical kind of attitude: It's an historic fact; it's somehow in human nature that these acts of violence should be perpetrated against women; this is really much too complicated for academics to deal with. The Attorney General tells us that seminars held on the subject don't produce many solutions.

I suggest to the Attorney General that this very same kind of attitude used to prevail about the status of women. There used to be all kinds of claims on the part of a large number of elected representatives and officials of various sorts that in fact the status of women was too complicated a question to be dealt with.

Hon. Mr. McMurtry: That is just so much nonsense.

Mr. Mackenzie: It certainly isn't.

Mr. Deputy Chairman: Order, please.

Ms. Gigantes: Finally, when we came to the creation of the federal royal commission inquiry into the status of women in Canada, we found that indeed it was possible to identify all kinds of areas in which the status of women was under fire and undermined in this country, and to develop very specific remedial ways for helping to promote the status of women as equal citizens in this country.

I suggest to the Attorney General that it is a perfectly reasonable, normal request that is made by the member for St. George, that there should be a commission on this subject. I consider it really quite typical of the attitudes towards women that the proposal should be treated by the Attorney General as something which is dealing with an area far too complicated to be usefully studied, examined and suggested remedies brought forward through the activity of a commission of inquiry.

Hon. Mr. McMurtry: I would like to say, having witnessed the hon. member's performance in this House for over two years, that I'm quite confident I have a greater understanding and a greater sensitivity to the problems of women in this province than has come from any of the statements I've heard from her in this particular House.

Ms. Gigantes: Is this divide and rule?

Mr. Nixon: It is just the Friday morning putdown.

Mr. Reid: If he was Margaret Birch, he'd understand it much more clearly.

Mr. Lawlor: The minister knows more about women than she does?

Hon. Mr. McMurtry: To suggest that the lack of immediate enthusiasm for a royal commission or a commission to study violence in society generally indicates any sort of lack of ongoing concern about the problem is just a very foolish remark, but as I say, I've come to expect not much better.

The Walter Pitman commission—

[12:00]

Mr. McClellan: We're bilious this morning, aren't we?

Hon. Mr. McMurtry: —was a commission that was established by the municipality of Metropolitan Toronto to look at the issue—

Mr. Mackenzie: He must have watched a particularly bad hockey game last night or something.

Hon. Mr. McMurtry: —of violent activity in Metropolitan Toronto in respect to the south Asian community. Mr. Pitman has informally, by a series of informal meetings with various groups representing the south Asian community and other groups in the society, is preparing, I think, a very worthwhile report. I've had some preview of the report. I think he's made a very valuable contribution.

Indeed, when we deal with any issue such as this, which involves a very serious form of disease in the community, the broader community, and when we talk about violence in relation to children, violence related to women, or just violence generally, we're obviously dealing with a very core problem in relation to human activity.

I just simply express the view that this is a matter that requires ongoing study at all levels of the community, and the suggestion that any specific commission with broad terms of reference is going to add anything more than what is added by our social scientists in their ongoing study is very unrealistic.

I should point out, too, that the Ontario Law Reform Commission, in making the various reports that it has in relation to family law has indicated very much the concern of this province in relation to the status of women in society generally. I must admit I find it very offensive, simply because the hon. member opposite happens to be a female, to play the old game of saying, "Of course, because you're a man, you don't understand."

You don't have any sensitivity to these things."

Ms. Gigantes: Did I say that?

Hon. Mr. McMurtry: That was very implicit in your remarks.

Mr. McClellan: You must be overly sensitive.

Mr. Lawlor: Unduly sensitive.

Mr. McClellan: She must have struck a sore point.

Hon. Mr. McMurtry: I find that sort of sanctimonious nonsense—aggravating on a Friday. I really do.

Mr. McClellan: You have a monopoly on sanctimony today.

Ms. Gigantes: Only on Friday?

Mr. Chairman: Order.

Hon. Mr. McMurtry: Mr. Chairman, I'm quite prepared—

Ms. Gigantes: Should I try you on a Tuesday?

Mr. Chairman: Order.

Hon. Mr. McMurtry: I'm quite prepared to recognize that fact. The member for St. George and I, we have disagreements. She beat me in an election, but we can have a useful interchange—

Mr. Mackenzie: Do you have more disagreements on a Friday than you do on a Monday?

Hon. Mr. McMurtry: —because she directs her mind to matters in a rational fashion, not sort of on this business of male versus female. You make it very difficult to pursue a similar sort of interchange.

Mr. McClellan: Poor fellow.

Mr. Mackenzie: Don't be so sensitive.

Hon. Mr. McMurtry: But that is really the member's problem more than it is mine, Mr. Chairman.

Mr. Mackenzie: I think it is your problem.

Mr. Nixon: I don't want to get involved in this controversy—

Mrs. Campbell: Oh come on, come on; do.

Mr. Nixon: —but as sort of an innocent bystander here I felt that the Attorney General was perhaps a little insensitive to the comments made by the hon. member for Carleton East. I don't often support her, for some reason, but I thought in this instance that maybe the Attorney General was under the influence of Friday morning blues or something like that.

Hon. Mr. McMurtry: I had such a lovely time with the member for St. George.

Ms. Gigantes: You said she was being poetic.

Mr. Nixon: Of course, I know precisely how you feel when you talk to the member for St. George, because she's always rational and always takes a broadminded approach to the problems of the day, and we've known that for a good long time.

Ms. Gigantes: You accused her of taking poetic licence.

Mr. Nixon: It's certainly great that the Attorney General now appreciates the same thing.

However, we are talking about the royal commissions vote and I wanted to express an opinion which the Attorney General may not agree with as well, and this will be twice in a morning.

I really find, Mr. Chairman, that the criteria used by the government in the establishment of royal commissions is appalling, wasteful and used almost entirely for political purposes. There are all sorts of occasions when it might very well be that a problem facing the community should be handed to a judge with a royal commission. But instead of that, we have had instances where, in many respects, a royal commission is not necessary and is used simply as a convenient shelf upon which the government can deposit matters that are somewhat embarrassing; and there they put them to rest for a while.

I would say, in the case of the commission looking into violence on TV, that the Premier (Mr. Davis) took a positive initiative. He decided not to deposit on that shelf something that was embarrassing, not to put it out of the way. Instead, he tried in the most cynical way, I thought, to make what I considered to be rather cheap political capital out of a matter that was of some concern to the community. The appointment of a royal commissioner to study violence on TV was a waste of money. It was an unwarranted expense. It was, I think, a crass political initiative taken at the time.

The report is something worse than useless and I regret that a friend of mine—Judy LaMarsh in whom I have a good deal of respect—got involved in the thing. I really think that it is one of the most regrettable decisions taken by the Premier in his political career. It was just a silly mistake.

The second one that occurs to me is the Ronto royal commission, which was also a mistake. Since we're not in question period, we can have a better exchange on a matter like this. The Attorney General may think there were no allegations or innuendos—the words that the government uses—or charges

from the opposition or anybody else that there had been any political malfeasance in this Ronto business; there was, however, a very strong indication—and you can call it a charge or any other word you want to use—that the government's decision in this regard was completely wrong. It should not have allowed Ronto to get away with their tremendous capital gains without paying the land speculation tax.

We were working with this in the public accounts committee. It became obvious that it was too involved and time-consuming for that committee. We would have had to come to the House for powers to get legal assistance and accounting assistance and spend many weeks, if not months, of our committee's time—and we only meet about two hours in a week—in order to pursue that Ronto business to some kind of a conclusion.

We came to the House and asked that a special committee be appointed with terms of reference dealing exclusively with the Ronto matter. The government decided, under the circumstances, to give it to a royal commission with terms of reference indicating there were allegations of political malfeasance.

Whatever the Attorney General thinks, my opinion is that this was simply a way to give that matter to a commissioner, get it out of the forum where it should have been discussed—which was here—get it away from a committee that, with the evidence that was already available to the public accounts committee, might very well make a recommendation that the government should reverse its position. The ruling or the report of the commissioner was obvious from the first when we saw the terms of reference. I thought that the NDP, in going along with the Conservatives in the reference of the royal commission, were patsies. They were sucked in by the government in that regard. We should have had a committee dealing with Ronto here so that at least the terms of reference would have permitted us to make a recommendation that would have been meaningful and not just political baloney.

Mr. Lawlor: His testiness is rubbing off on you, Robert.

Mr. Nixon: The other thing that occurs to me is this matter about the granting of some garbage licence in Maple. Do you remember, during the election or just before the election, there were some allegations that some company down in Washington, after making a substantial contribution to the Tory slush fund before the 1975 campaign, was awarded this licence. I think of the defence taken by the Premier at the time

when Fidinam (Canada) Ltd. gave a \$50,000 donation to Mr. Kelly; the matter was not even denied by the representatives of the government or the Premier himself. There was a clear communication between Fidinam (Canada), which had a little hole-in-the-wall office in some building down town, and Fidinam in Europe about the disposition of the \$50,000. That was a case of very high political impact that wasn't sent to a royal commission. We had the law officers of the Crown give us some kind of comments about that.

Then all of a sudden in somewhat similar circumstances, when the political heat was on, there was some indication that maybe a garbage licence was the result of a political payoff. A royal commissioner was appointed months ago, but we haven't heard a thing about it since. There's no doubt that, if we are waiting for anything of interest to come out of that, we may wait a long time indeed.

So I return to what I said to begin with, that there we have an amount of \$1.25 million for royal commissions—

Mrs. Campbell: What about the Pickering one?

Mr. Nixon: My hon. friend who comes to the heart of these matters very effectively is right again. We have this great confrontation between the Ombudsman and the Minister of Housing (Mr. Rhodes), and that thing goes to a royal commission with all of the ancillary problems and costs; the thing sinks into the slough of something or other—not Despond, but I suppose the internal politics of the Conservative Party, with all the thrashing and so on that has been taking place—disappears, and we don't hear anything about it at all.

Personally I resent the criteria used by the government for the establishment of royal commissions. I feel this is something that has been substantially discredited by the decisions taken by the government in recent months and years, and I wanted to put my views before you, Mr. Chairman.

Hon. Mr. McMurtry: In relation to the several commissions, they seem to fall into about three categories. The LaMarsh commission, we have heard a great deal about in this House. I rather regret to hear the hon. member opposite describe the report that involved so much of his distinguished colleague's time as being a useless report. I hope he has communicated that fact to her.

Mr. Reid: He said that at the time it was set up.

Hon. Mr. McMurtry: Even though she may not have always exercised sound political judgement, certainly in relation to the political party she chose to become affiliated with, I think Miss LaMarsh, in the recognition of most thinking people, has been a distinguished public servant and made a very valuable contribution in relation to this report.

Mr. Nixon: On a point of order, is the Attorney General suggesting in any way that I was criticizing Miss LaMarsh? The criticism was directed against the minister and his colleagues.

Hon. Mr. McMurtry: The hon. member just said her report was useless. If that's not criticism, I don't know what is.

Mr. Kerrio: That is fair.

Mr. Reid: It couldn't help but be useless. It was useless before she started.

Mr. Chairman: Order.

Hon. Mr. McMurtry: I'll tell Judy—

Mr. Lawlor: Take her out for lunch and tell her.

Hon. Mr. McMurtry: —that you didn't criticize her; you just said her report was useless. I guess when somebody spends as much time as she spent on this report and came up with what I thought was a very thoughtful reasoned report—

Mr. Nixon: That is certainly an indication of the minister's capacities then. Why shouldn't she spend a lot of time? What were we paying her every day?

Mr. Reid: It was \$250 a day plus.

Hon. Mr. McMurtry: Again, it is very insulting to a distinguished public servant—

Mr. Nixon: Maybe it is insulting. The terms of reference were ridiculous. It is a waste of money.

Mr. Chairman: Order.

Hon. Mr. McMurtry: —to suggest that she prolonged this royal commission simply because of her per diem.

Mr. Nixon: You were the one who said she spent a long time on it.

Hon. Mr. McMurtry: If that's not being critical of Miss LaMarsh, then I must admit I have difficulty with what the member means to say. I would hate him to be critical of anybody, if it isn't criticism to talk about a useless report and prolonging the report because of a modest per diem—

Mr. Nixon: It was modest from the standpoint of a lawyer.

Mr. Lawlor: Don't take unfair advantage of him Roy.

Hon. Mr. McMurtry: I have heard about problems caused by certain tensions and battles within the ranks of the federal Tory party, but what I am witnessing at first hand in the ranks of the Liberal Party in Ontario just makes me positively gasp. I mean, how two such distinguished members of the Liberal Party in this province—namely how the former leader of the Liberal Party in this province could launch such a very serious, and I think almost a vicious, attack on one of his political colleagues, a former minister of the federal Crown—

Mr. Reid: What a bunch of baloney this is. Did someone order a baloney sandwich?

Hon. Mr. McMurtry: It is almost worth getting elected just to have a ringside seat to such an event. It makes all these hours eminently worthwhile. I have witnessed some of these struggles in the federal Conservative Party, but what a wonderful diversion for those of us on this side of the House!

Mr. Kerrio: When are you going to stop stickhandling and shoot the puck?

Hon. Mr. McMurtry: The member for Niagara Falls almost shares ridings with—they are neighbours—

Mr. Chairman: Will the hon. minister get back to item 5 of the vote?

Hon. Mr. McMurtry: —to sit quietly by and hear a friend and neighbour, a supporter, castigated in such a fashion? Talk about Friday morning blues, this comes pretty close to violence in the Legislature.

Mr. Nixon: Come on, make sense of something sensible.

Hon. Mr. McMurtry: I was just reminded, it was just suggested to me and for that I should be very grateful, that as a result of the former leader's contribution, he's just made Friday a happy day again for me, and one must express one's gratitude in whatever way one can.

The LaMarsh commission obviously falls into one category. It did not come into being as a result of any allegations in relation to any suggestion of malfeasance on the part of the government.

I think when we get into matters such as the Ronto and waste management royal commissions, these decisions, of course, are made by the executive council of this government, of which I am a member. Those commissions are administered by the Attorney General in so far as providing the resources is concerned.

Now I think when an opposition party, which of course has a fundamental role to oppose, goes beyond that and makes allegations that's another matter. Certainly by reason of statements that are made in the House

certain innuendoes arise which really suggest that it is not merely a matter of mismanagement or mistaken judgement on the part of the government. Some of the statements that I have heard in relation to these two royal commissions really go beyond that. Without attributing them to anyone in particular, certainly I heard statements which, really, I think struck at the integrity of the government; not a matter of lack of judgement or mismanagement, as I mentioned a moment ago, but suggesting impropriety of a very great nature.

I think if an opposition party indulges in that type of tactic, then no government has much alternative but to allow an independent judicial inquiry into this allegation.

Mr. Nixon: You didn't do it with Moog, you didn't do it with Goodman; you are very selective.

Hon. Mr. McMurtry: The terms of reference were directed towards that issue, and they were supported by the New Democratic Party for that reason.

So when you criticize the government for unnecessary expenditure of public funds in this area, I think you really should remind yourselves of your own responsibility in making these allegations or making statements that give rise to this kind of innuendo, which I personally believe makes it almost mandatory for any leader of government to respond in order to maintain the integrity of the system.

I know all members of this Legislature, regardless of our differences in political partisanship, basically believe very strongly in the integrity of the system or we wouldn't be here. When that integrity is placed in doubt, I don't think any government has much alternative but to seriously consider an independent judiciary inquiry.

In relation to Pickering, as I recall the events, first of all the Select Committee on the Ombudsman, I think, was very reluctant to pursue the report in so far as making any determination as to whether any greater compensation should be made to those land-owners. What led as much as anything else to the commission into Pickering was the reluctance of the committee; and for reasons similar to those which the hon. member opposite just expressed in relation to Ronto, the complexity of the matter and the fact that the committee perhaps thought it could have been tied up on nothing else for months and months.

So the select committee dealing with the Ombudsman and Pickering welcomed the decision that was reached between the Minister of Housing and the Ombudsman in

relation to the constitution of that commission. It's unfortunate that it has been delayed, but I think any delays are for reasons far beyond the powers of this government.

Again, I should remind the members, in relation to the waste management commission, this was scheduled to commence in September. It's only because representatives of various community groups challenged the decision of the commission in relation to their status that that has been delayed. That's a matter that has gone into the courts.

In relation to this whole issue of royal commissions, and particularly commissions thought to be useful to study social issues such as violence to women, I suggest to the member for St. George that again this is an area in which I have great confidence in the makeup of this House. If we think something useful can be accomplished by another study, in view of all the ongoing studies, there's no reason we can't consider establishing a select committee with terms of reference to investigate this problem, inasmuch as the problem might be resolved by changes to provincial legislation. I would welcome any such initiative. I want to make that very clear that I have sufficient confidence in this House that working together, if there were some areas which could be usefully explored with a view to bringing in amendments to provincial legislation, this is the forum. Perhaps we place too much faith in the idea of setting up, as has been suggested, yet another royal commission to study a problem that I think we ourselves are quite capable of looking at and pursuing with all seriousness. Thank you, Mr. Chairman.

Mr. Nixon: Mr. Chairman, in case the Attorney General thought I was in any way ambivalent about my views about the royal commission on violence, I made a political promise that my first responsibility had I been elected Premier would have been to discontinue the commission forthwith. I would like to ask him what the final cost for that commission was?

Hon. Mr. McMurtry: That question was asked during the estimates and I've already given that information, but I'm quite happy to repeat it.

Mr. Nixon: As I understand it, Mr. Chairman, this is item 5, entitled royal commissions. Clearly the minister was out of order if he's been answering it on another item.

Hon. Mr. McMurtry: I've been responding to a number of—

Mr. Nixon: You are not suggesting it is out of order?

Hon. Mr. McMurtry: —questions from across the aisle that might generally be considered to be out of order, but by reason of my basic generosity of spirit I don't make these technical objections.

Mr. Nixon: What are you talking about now?

Hon. Mr. McMurtry: I have it right here, but you keep interrupting me.

Mr. Reid: You are beginning to sound like an NDP member.

Mr. Nixon: Just give us the bottom line.

Hon. Mr. McMurtry: The total over three fiscal years, starting with the fiscal year 1975-76 to this year, is \$2,176,328.

Mr. Nixon: What has happened to that report? Have you got an implementation group in the committee or is one of your policy secretariats dealing with it in some detail?

Hon. Mr. McMurtry: Every ministry that might have an interest in the matter has been asked to respond.

Mr. Nixon: They all received copies of that report?

Mr. Reid: It is high on the list of priorities.

Hon. Mr. McMurtry: Certainly to my knowledge, Mr. Chairman, and they have all been asked to respond with respect to suggestions or initiatives that they might be undertaking in their own ministries in relation to the recommendations of the LaMarsh commission.

Mr. Nixon: Would the minister not agree that if there had been some imagination on his side, when it was obvious that Miss LaMarsh was available for one of these important long-term commitments, wouldn't it have been a great thing if the idea that had been put forward by the hon. members for St. George and Carleton East had occurred to you people who are supposed to be so sensitive in the role of the affairs of women before the law and in the community? The minister himself has indicated that he is more forthcoming and more sensitive than the spokesmen from the opposition, who happen to be both women and ladies.

Isn't it a shame that the government hadn't spent that money in using the services of Miss LaMarsh for something that would have been much more timely, and might have had some impact and usefulness, not only to this House but Ontario at large?

I just feel it is a shame that \$2.25 million has just gone down the pipe. I would say again that the report is not of significance or use to this House or to the community.

Mr. Reid: It's not even within our jurisdiction.

Mr. Germa: Mr. Chairman, I, like the member for Brant-Oxford-Norfolk, am reluctant to encourage the government to set up more royal commissions because, as he described them, many of them are used for very partisan political purposes and coverup. Every once in a while in society violence does occur. The member for Carleton East cited one instance, as did the member for St. George.

I have been trying to get the minister interested in a form of violence in our society, and he just refuses to react positively to any suggestions that I make that something should be done. I am very reluctant to ask for a royal commission into violence in industry, the violence that is caused by negligent managers of industry which causes death and destruction to working class people. Probably the Attorney General is not concerned that over 300 people per day get killed on the North American continent in industrial situations.

Many of these occurrences should lead to criminal charges. Yet I am not aware of one single charge in the province of Ontario ever having been laid against an industrialist or a plant manager as a result of his negligence, even despite the fact I have brought a specific case to the minister's attention over the past year and he refuses to respond. He doesn't even follow up with correspondence that he promises to me. People such as myself then get frustrated.

Certainly the minister has demonstrated that he is interested in curtailing violence on TV, as in the case of the Judy LaMarsh commission. Violence in hockey is his priority. I can understand it, because I think his lifestyle has not been associated with violence in industry, whereas I come from a different end of society. My whole life has been spent in a very violent industry. In the plant where I worked prior to coming here, last year 11 men were killed, and I am sure the Attorney General has heard about the three men who were killed in Frood Mine within a 90-day period within 100 yards of one another when the roof kept falling in, and the company concerned just said, "Oh no, the area is still safe." It was only after pressure on the floor of this House that the government reacted and closed off the drift. Otherwise, men would have just kept going down the drain.

[12:30]

At this time I want to mention one specific case which I have brought to the minister's attention over the past year and in which he

has absolutely refused and neglected to respond to my wishes.

On October 26, 1976, three men were killed at the Sudbury Metals plant in Falconbridge. A coroner's inquest was held and the jury reported on February 28, 1977. Certain evidence was revealed, and criminal charges should have been forthcoming, the coroner's jury recommended. One of the recommendations the jury made was that there should be a qualified process engineer or a metallurgical engineer on site or available at all times with authority to make decisions.

It is my opinion that those three men died as a result of negligence on the part of the management of Sudbury Metals. They did not have a qualified process engineer on the site to operate the kiln, with the result that the end of the kiln blew out and smashed three men against a brick wall.

They were operating a kiln in Sudbury, Ontario, from Milwaukee, Wisconsin. I suggest that one cannot operate a dangerous piece of machinery like that from 1,000 miles away on the telephone. There was no one in the plant who understood that hydrogen gases could develop if they poured water on these iron ore pellets—a simple chemical process that even any grade 12 student knows and understands. They didn't even have that kind of expertise on site to protect the lives of those workers. I say that is criminal negligence.

The minister has refused to respond, although I tried to get him interested in the situation. I wrote him a letter on March 8, 1977, and suggested that because this company was negligent in not having a process engineer on hand, he should consider laying charges. On March 30 the minister wrote back to say he had received my letter of March 8 and would provide me with a reply in due course. To this point in time, I have not received a further letter from the Attorney General, which he promised me on March 30, 1977.

To try to interest him again in the subject matter, I rose during question period on July 6, 1977, and I asked him about laying criminal charges against the manager of Sudbury Metals. He said, "I will try to report back to him in the Legislature as soon as possible." He was going to report to me again on July 6, but to this point in time I have received no report from the Attorney General. A month or two later, I rose again during the question period and asked the question. He said, "We are having trouble getting the transcript from the coroner's inquest."

He is just not interested. A year has passed now. It was October 26, 1976, when these three men were killed, and the Attorney General still cannot get a transcript in his office so he can scrutinize the transcript of the coroner's inquest to determine whether criminal charges should be laid against this industrialist.

The man just isn't interested. He doesn't understand what violence there is out there in industry. In France and Great Britain this has taken off; there are managers in jail right now as a result of men getting killed on the job because of their negligence and disregard for life.

The minister purports to be a very sensitive person. But where is his sensitivity as far as industrial workers are concerned? Are we forever going to be expendable? Is that his attitude? Is that the class he belongs to, that those boys out there are just part of the cost of generating profit?

I object to being expendable. I've been lucky. I wasn't expended. But many of my friends have been expendable in these various and assorted dangerous plants. Here was a classic case where this minister could have taken action, but a year has passed and nothing has happened.

Hon. Mr. McMurtry: Mr. Chairman, I've had correspondence from both the member for Sudbury and the member for Sudbury East (Mr. Martel) in relation to this matter. I think the last correspondence was with the member for Sudbury East and copies were sent to the member for Sudbury. I'm not going to respond to the allegation that I don't care about the plight of workers, because it's a silly allegation; but the member for Sudbury is well known for making silly statements.

The Crown attorney in Sudbury, Mr. Sauve, reviewed the matter at the time of the inquest and discussed it with a number of experts in the field of mining engineering. At that time he decided that no criminal charges were warranted. Following the inquest, we requested Mr. Sauve to obtain a copy of the transcript so that the matter could be reviewed at the ministry level. This was notwithstanding the fact that the local Crown attorney, who I happen to know to be an excellent Crown attorney, had reviewed the matter with some degree of care and had made that decision. But in view of the concern of the members of this House, we requested a transcript so that it could be reviewed at the Ministry of the Attorney General here in Toronto.

I don't understand why the transcript is not yet ready. The last communication we

had with Mr. Sauve was two weeks ago in respect to this very matter, and at that time the transcript was not yet complete. I regret the delay in respect to that. I don't anticipate our decision will likely overrule the decision of a very experienced, competent Crown attorney, but we certainly do intend to review it very carefully.

Mr. Germa: Mr. Chairman, how long do we wait to get a transcript made up? It was February 28 when the coroner's jury report came out; and this is October, 1977. It indicates to me that if the minister was interested—

Mr. Mackenzie: November.

Mrs. Campbell: This is November.

Mr. Germa: If the minister was interested in laying these charges, he would take certain steps to get a transcript. It seems to me that is only a mechanical, technical thing that has to be accomplished. I think it substantiates my charge, that he just is not sensitive in this area.

Mr. Lupusella: Mr. Chairman, I think the issue which was raised by my colleague from Sudbury is a serious matter. I don't want to pursue the matter any further because he emphasized and made clear that it's a serious problem, that a high number of workers are dying in the province. I'm more concerned from the statistical point of view, therefore I would like to ask the Attorney General how many cases have been reported by the Minister of Labour to your department in relation to cases in which the Minister of Labour requested that charges should be laid down in the last two years? Do you have figures for the fiscal years of 1975 and 1976?

Hon. Mr. McMurtry: I don't have any such figures, Mr. Chairman. If there is evidence to warrant a criminal investigation that may lead to criminal charges we don't need to depend on the Ministry of Labour for that information. Of course there are many prosecutions under the ministry's industrial standards legislation which are not the responsibility of the Ministry of the Attorney General.

Our responsibility is to prosecute Criminal Code offences in this province. Where there is a death, regardless of how it may have arisen, the local police are charged with the responsibility of making an investigation in every instance to determine whether or not there is a possibility of criminality. The nature and scope of the investigation, of course, will depend on the nature of the tragedy. The prime purpose of holding an

inquest is to determine the cause of death, but they may also assist any effort to elicit evidence that might be relevant to a criminal prosecution, although the latter is not the prime purpose of an inquest in this province.

Again our local police authorities, with the assistance of our local Crowns, monitor all these cases very carefully, and when there is evidence to warrant a criminal prosecution charges will invariably be laid by the police.

In relation to an industrial accident, it's open to any citizen to appear before a justice of the peace to lay a criminal charge. Many criminal charges have been laid in this manner. Many thousands of criminal charges, I think it's fair to say, are laid in this manner every year. I don't know, so far as the tragedy in Sudbury is concerned, whether or not there was an attempt on behalf of any of the local citizens or representatives of the union or anyone else to lay a criminal charge.

Mr. Germa: It's your responsibility, not mine.

Hon. Mr. McMurtry: Well you see that is, of course, where the member for Sudbury is unaware of his responsibilities. I've been a member of more than one union, working in industry, working in many different facets of industry, and I know many union people who, if they felt a criminal charge was warranted, would consider that their responsibility and they would make efforts to see a criminal charge had been laid. So I'm somewhat puzzled by the interjection of the member for Sudbury.

Mr. Lupusella: Mr. Chairman, I do appreciate the comment which has been made by the Attorney General. I realize that in relation to industrial violence or certain prosecutions where negligence has been shown on the part of the employer and where workers have been dying as a result of such negligence, it is a criminal offence on the part of the employer. But my particular question is whether or not the Minister of Labour, for example, has been in touch with your ministry, asking you to lay those charges?

Workers have been penalized for following directions. Their pensions or their benefits are sometimes cut off. Surely, the Ministry of Labour should be in touch with your ministry to make certain that employers in the province of Ontario are diligent. And where there is negligence on the part of the employer and a death results from such negligence, it is, in my opinion, a criminal offence. The question is whether or not the Minister of Labour has

been in touch with your ministry to lay those charges.

[12:45]

Hon. Mr. McMurtry: Mr. Chairman, I have nothing to add to my previous answer in relation to the procedure which is generally followed so far as the laying of criminal charges is concerned.

Item 5 agreed to.

Vote 1301 agreed to.

On vote 1302, administrative services program; item 1, main office:

Mrs. Campbell: Mr. Chairman, I'm not going to belabour my remarks with reference to this entire vote 1302. Notwithstanding my earlier comments, I would like to state that I view with a certain degree of satisfaction the fact that we do seem to be putting more emphasis on the office of the Attorney General. We do seem to be increasing our budget, and in this case I for one have to say that justice merits that kind of increase.

In fairness, I would also like to pay some tribute to the work which the Attorney General has done. I have seen some very interesting thrusts this year. Certainly the conciliation procedures are one, and I hope the Attorney General will be able to iron out with the profession some of the dichotomies which have arisen in that area.

The experiment in Hamilton of the unified court. I would like it if we could get some further reports on that. I haven't had an opportunity to review it, but again, this is a new kind of initiative and I am impressed by that sort of approach.

I don't intend to continue in any detail in so far as the items in this vote are concerned. I still hope that we may see other initiatives which will be more useful as we go along, not more useful than those which have been undertaken but which will be ongoing and progressive. I have nothing further on this vote, Mr. Chairman.

Item 1 agreed to.

Items 2 and 3 agreed to.

On item 4, analysis, research and planning:

Mrs. Campbell: Mr. Chairman, I wonder if the Attorney General could elaborate on this matter. I have to state we received this material just as we started the estimates; our critics have not had a chance to review it. I, of course, not being in the justice area, haven't read the material. Could the minister enlarge somewhat on the work under this function?

Hon. Mr. McMurtry: Mainly what we're attempting to accomplish, and I think it's related to this vote Mr. Chairman, is the combination of the ministry's flow of information

in relation to work load and resource levels. There's been a combination of these information flows. What we're trying to do is to more effectively and more objectively assess efficiency in so far as use of the resources generally throughout the system is concerned. They report to Mr. McLoughlin, the general manager of the ministry, who is on my immediate right.

This process involves overall planning, which relates to the development of future resource requirements that will be needed to continue to meet the basic objectives. It gets very technical, as far as I'm concerned at least, when we get into work load forecasts, work load per man, et cetera.

This is an attempt to monitor the basic expenditures of the ministry, hopefully to assure ourselves, or otherwise, that the money is being well spent. We, being a ministry that has never wallowed in resources, are obviously most anxious to get the best use of our resources because we do require additional resources to what we have and, therefore, it is absolutely essential to make the most effective use of those that we do have.

Mr. Lawlor: Mr. Chairman, the cow has got out of the barn and I am going to ask for some indulgence all the way around the House. We obviously went past the Legal Aid thing rather expeditiously, while I was speaking to a colleague of mine here about a legal problem, and I would ask for your indulgence. I suspect it won't be too prolonged. Nevertheless, on an item of \$25 million which has always been a major bone of contention in this House, I think it's worthy of at least a few words.

That being the case, I would ask to proceed. Towards the end of last week we had placed on our desks the 10th annual report of the Law Society of Upper Canada on Legal Aid, and it goes through its usual recitation. I had hoped that the whole Legal Aid spectrum in its various manifestations would begin to level off. There were indications earlier last year that that phenomenon was taking place.

If that was one of the facets, it would relieve the Attorney General enormously vis-à-vis his colleague, Mr. McKeough, along the way. It would stabilize and consolidate a plan that has been growing steadily for 10 years, and would be able then to give the fulcrum for new directions, not necessarily with greater expenditures of money but having reached a solid base and seen what the lie of the land was.

My defence of the continued surveillance and maintenance by the Law Society of

Upper Canada of this particular plan, against the feelings of many of my colleagues, and against certainly a certain rumbling out there in this particular regard, has been largely based upon the yeoman service performed to this date, as I believe it to be, and as indicated in the report and in one of your recent speeches contained in the Gazette of the society.

This is an address at the 10th anniversary seminar at the Royal York Hotel on May 26 of this year. It was pointed out that close to \$30 million has been, in effect, contributed by practising lawyers. They have instituted a 25 per cent reduction from what is considered as a fairly meagre, or at least conservative, tariff on which they work. When they take an action on criminal negligence in the courts they would not, in normal circumstances, accept a lower fee to conduct the case; they would want a good deal more.

Taking the relatively low legal tariff, and taking 25 per cent off that, the contribution of the society has been very enormous, and blast it it should be recognized. It isn't giving much accord to numerous individuals out there.

Secondly, the chief need and emphasis of this scheme obviously, initially at least, lay primarily in criminal justice. There were accused people whose lives and liberties were at stake, who were coming, through generations, before the courts without adequate or any defence whatsoever being presented by capable people; and they were going to jail unnecessarily. That kind of thing stigmatizes, and has stigmatized for centuries, the British legal system and the operations of the courts. That had to be rectified as we became—I hope—slightly more civilized. And that's what the whole thing was about.

The first instance, of necessity and centrally, in order to alleviate this sore thumb law, which had reeked for a long time, the lawyers, who are the defenders in this particular area, recognized they would be central to the whole operation and therefore it would devolve upon them.

From the point of view they would, of course, necessarily be the chief beneficiaries also. You can't have it both ways. You can't have them coming before the courts and representing people and being stigmatized, criticized at the same time for doing so because there's a rip-off of some kind.

Before I sit down, and before we wind up today—and I am going to keep this debate

going a little while longer—those lawyers, and and they are becoming a more numerous tribe, sitting in pontification over their fellows and holding up the legal aid scheme as some form of munificent cornucopia, saying they are not going to participate and they are withdrawing; they will undermine the scheme.

There is a profound irresponsibility on the part of such people. We know who they are, they were in the paper two weeks ago. Faces large and blooming, and making all these slighting attacks; how it was going to all these second-rate, mediocre lawyers who are just coming out of law school, whereas I have practised for 25 years and I know all the judges and I know all the tricks in the book, and I am not going to participate any more. Not only because you don't pay me enough but because the whole thing is being riddled by incompetents.

If they want a public defender system with the numerous inequities and iniquities written into that system as it is practised in the United States, so be it; we'll have it, and it will be a lot cheaper.

I heard you say somewhere that it was not going to be cheaper probably, if we move to that other plan. I am of the opinion that it would be substantially cheaper, it would cost a quarter as much to run that scheme. But the price paid, in terms of human representation and defence, is much too great in the area of criminal justice.

Shall I continue or shall I move the adjournment of the debate, Mr. Chairman?

Mr. Chairman: No, I think a member of the government will move the appropriate motion.

Mr. Lawlor: I'll listen to my friend for a few minutes and get a rest.

Hon. Mr. McMurtry: I didn't want to interrupt my distinguished colleague from Lakeshore. In view of the fact that we appear to have run out of time, he may wish to continue on Monday, or I will continue on Monday. But I think in view of the time it would be appropriate for me to move that the committee rise and report.

On motion by Hon. Mr. McMurtry the committee of supply reported progress and asked for leave to sit again.

On motion by the Hon. Mr. McMurtry, the House adjourned at 1 p.m.

CONTENTS

Friday, November 18, 1977

Point of privilege re observance of rules, Mr. Sargent	2009
Hydro contracts, questions of Mr. Davis: Mr. S. Smith	2009
Incidence of rape, questions of Mr. MacBeth: Mr. S. Smith, Mr. Lewis, Mrs. Campbell, Mr. Breaugh	2010
Use of medical data, questions of Mr. Timbrell: Mr. Lewis, Mr. Reid, Mr. Deans	2012
Children's services, questions of Mr. Norton: Mr. Lewis, Mrs. Campbell, Mr. McClellan, Mr. Foulds	2013
Death of former member: Mr. Davis	2015
Bernice Battie, questions of Mr. Timbrell: Mr. Riddell	2015
Assistance for isolated communities, questions of Mr. Bernier: Mr. Wildman	2015
Thunder Bay courthouse, questions of Mr. McCague: Mr. Foulds	2016
Waste disposal, questions of Mr. Kerr: Mr. G. I. Miller, Mr. Reed, Mr. Gaunt	2017
Epilepsy, questions of B. Stephenson: Mr. Mackenzie, Mr. S. Smith, Mr. Cassidy	2017
Pipe production, questions of Mr. J. A. Taylor: Mr. Kerrio, Mr. Makarchuk	2018
Ambulance service, questions of Mr. Timbrell: Mr. Foulds	2019
Psi Mind Development Institute, questions of Mr. Timbrell: Mr. Sweeney, Mrs. Campbell	2019
Pollution by pulp and paper companies, questions of Mr. Kerr: Ms. Bryden	2020
Report, standing administration of justice committee, Mr. Philip	2020
Estimates, Ministry of the Attorney General, Mr. McMurtry, continued	2020
Motion to adjourn, Mr. McMurtry, agreed to	2036

SPEAKERS IN THIS ISSUE

Bernier, Hon. L.; Minister of Northern Affairs (Kenora PC)
Breagh, M. (Oshawa NDP)
Bryden, M. (Beaches-Woodbine NDP)
Campbell, M. (St. George L)
Cassidy, M. (Ottawa Centre NDP)
Davis, Hon. W. G.; Premier (Brampton PC)
Deans, I. (Wentworth NDP)
Edighoffer, H.; Deputy Speaker and Chairman (Perth L)
Foulds, J. F. (Port Arthur NDP)
Gaunt, M. (Huron-Bruce L)
Germa, M. C. (Sudbury NDP)
Gigantes, E. (Oakwood NDP)
Haggerty, R. (Erie L)
Kerr, Hon. G. A.; Minister of the Environment (Burlington South PC)
Kerrio, V. (Niagara Falls L)
Lawlor, P. D. (Lakeshore NDP)
Lewis, S. (Scarborough West NDP)
Lupusella, A. (Dovercourt NDP)
MacBeth, Hon. J. P.; Provincial Secretary for Justice and Solicitor General (Humber PC)
Mackenzie, R. (Hamilton East NDP)
Makarchuk, M. (Brantford NDP)
McCague, Hon. G.; Minister of Government Services (Dufferin Simcoe PC)
McClellan, R. (Bellwoods NDP)
McMurtry, Hon. R.; Attorney General (Eglinton PC)
Miller, G. I. (Haldimand-Norfolk L)
Newman, Hon. W.; Minister of Agriculture and Food (Durham-York PC)
Nixon, R. F. (Brant-Oxford-Norfolk L)
Norton, Hon. K.; Minister of Community and Social Services (Kingston and the Islands PC)
Reed, J. (Halton-Burlington L)
Reid, T. P. (Rainy River L)
Riddell, J. (Huron-Middlesex L)
Rotenberg D.; Deputy Chairman (Wilson Heights PC)
Ruston, R. F. (Essex North L)
Sargent, E. (Grey-Bruce L)
Smith, S.; Leader of the Opposition (Hamilton West L)
Stephenson, Hon. B.; Minister of Labour (York Mills PC)
Stokes, Hon. J. E.; Speaker (Lake Nipigon NDP)
Sweeney, J. (Kitchener-Wilmot L)
Taylor, Hon. J. A.; Minister of Energy (Prince Edward-Lennox PC)
Timbrell, Hon. D. R.; Minister of Health (Don Mills PC)
Warner, D. (Scarborough-Ellesmere NDP)
Wells, Hon. T. L.; Minister of Education (Scarborough North PC)
Wildman, B. (Algoma NDP)



Legislature of Ontario Debates

Official Report (Hansard)
Daily Edition



First Session, 31st Parliament

Monday, November 21, 1977

Afternoon Sitting

Speaker: Honourable John E. Stokes

Clerk: Roderick Lewis, Q.C.

CONTENTS

A list of the speakers taking part in the debates in this issue of Hansard appears, in alphabetical order, at the back of this issue.

Daily contents of proceedings also appears at the back of this issue. Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff. Phone 965-2159.

Hansard subscription price is \$15.00 per session, from: Sessional Subscription Service, Printing Services Branch, Ministry of Government Services, 9th Floor, Ferguson Block, Parliament Buildings, Toronto M7A 1N3. Phone 965-2238.

Published by the Legislature of the Province of Ontario.
Editor of Debates: Peter Brannan.

LEGISLATURE OF ONTARIO

MONDAY, NOVEMBER 21, 1977

The House met at 2 p.m.

Prayers.

RULES OF THE HOUSE

Mr. Speaker: If I can have the attention of the hon. members for one moment, I feel that I should advise the House that I have asked each caucus to consider the advisability of continuing past procedures concerning access to parts of the chamber and its lobbies by members of the press and other strangers. I expect to hear through the usual channels from each caucus within the next day or two, so I would ask people to bear with us until such time as we get a clarification of the standing orders from the members of this House whose servant I am.

In my absence on Friday, the hon. member for Grey-Bruce (Mr. Sargent) suggested that I was being heavy-handed and arbitrary in the way in which I was handling the question period.

I want to refresh the memories of hon. members as to what took place on Thursday after 59 minutes of the question period had expired. I had to make the decision as to whether I inform hon. members that the question period had expired or give the next member, who happened to be the member for Grey-Bruce, the opportunity to place his question.

I said, and it's recorded in Instant Hansard, 1530-2:

"Mr. Speaker: We've got one minute left. The hon. member for Grey-Bruce with a short question to one minute.

"Mr. Sargent: Mr. Speaker, you should be watching the Ottawa proceedings. The Speaker down there gives lots of laxity on questions. Mr. Speaker, a question to the Minister of Transportation and Communications. The minister, over the years . . .

". . . I'd like you to tell me why every deal that Mr. Goodman brings to sell a bill of goods to cabinet they invariably buy it. It's an insulting thing to me as a taxpayer, sir, that the Greyhound Corporation deal is a fait accompli, when you still say it's coming before cabinet before it goes back to the Highway Transport Board . . ."

That was the sum and substance of the question put to the Minister of Transportation and Communications on that occasion. I had cautioned the member that there was one minute left in the question period and I take it that it's my responsibility to abide by the rules of the House which say, "Oral question period will be limited to one hour." I cautioned the member for Grey-Bruce and hoped that he would have had an opportunity to place his question within the one minute that was available to us. He failed to put a question in that time. I merely drew the attention of the House and the hon. member for Grey-Bruce that the oral question period had expired.

I want to assure the hon. member and all members of this House that I wasn't attempting to be arbitrary. I was simply allowing him an opportunity to place his question in the time allotted. He wasn't able to do it so I declared oral question period to be over. I think that I gave him every opportunity to place his question within the one minute. Unless I get some further direction from the House, I will continue to operate the question period within the time allocation provided by provisional orders.

STATEMENT BY THE MINISTRY

NURSING HOMES

Hon. Mr. Timbrell: Mr. Speaker, to ensure that the needs of the elderly in nursing homes are met, my ministry recognized some time ago a requirement to modify the Nursing Homes Act and the regulations under that Act. To reflect our concern, my ministry recently conducted a detailed review of existing legislative provisions relating to nursing home care, as well as proposals made by the 1974 task force to review nursing home legislation. This ministry review was assisted by the Ontario Nursing Home Association and consultants in medicine, nursing, pharmacology, environmental health, reactivation, fire and general safety.

I have recently received that report and I have ordered a review by my senior ministry personnel. We will discuss this matter again with the Ontario Nursing Home Association, and I expect that by early next year I will be

in a position to propose changes to the Nursing Homes Act and regulations. I am concerned about this area, and invite input in response to these recommendations from all interested individuals, be they professionals or members of the general public.

I am tabling three copies of that report with the Clerk of the House today.

ORAL QUESTIONS

Mr. Conway: Where are the ministers?

Mr. Riddell: Whom do you ask the questions of?

CHILD ABUSE

Mr. S. Smith: I will ask a question of the Minister of Community and Social Services: Is the minister aware of the anticipated approximately 40 per cent or even more increase in reported cases of child abuse this year? If so, is he prepared now to tell us what his ministry is going to do about this, whether in fact we can expect to see the children's services legislation brought before us this session, and how he expects to provide the funding for the source of personnel, the source of special teams and various committees to deal with child abuse in the various localities of Ontario?

Hon. Mr. Norton: Mr. Speaker, I can't confirm the specific percentage cited by the hon. member, but I am aware of the increase in reported cases of child abuse. With respect, first, to the legislation that was referred to. I hope that within a matter of days we will be making available to the members of the Legislature and to the public generally for discussion our proposed package of law reforms for child welfare legislation. I do not believe it would be possible for us to present that to the House during this session but it is our intention to proceed in the spring. I think the member will see when the proposed amendments are available for discussion that in total there are in excess of 100 proposed interim amendments. We will be proceeding in the spring.

With respect to the current problem of child abuse, we have for some time been both concerned and actively involved in developing a capacity to respond in the case of child abuse. We have within our ministry a group engaged primarily in developing and assisting to develop this capacity across the province. We have held seminars in all areas of the province. I can't give the member the precise number; I believe it's in excess of 35 locations where such seminars have been held, involving persons from various disci-

plines who have direct involvement with children where they might be in a position for example to detect child abuse: Police officers, school teachers, hospital personnel, child care workers, and so on.

In many of those communities we have also assisted in the establishment of a child abuse task force, or child abuse planning team that is developing resources within the communities for, first of all, the further training in the detection of child abuse and for the development of preventive and treatment programs.

Whether or not that response will have an impact before the end of this year, I can't be certain. But I am sure that it already is having a significant impact on the recognition and detection of child abuse which may well be reflected in the increased figures that the member cited.

Mr. S. Smith: By way of supplementary and giving credit for the program to the minister and his ministry, it may well be, as he says, that the work being done is resulting in more reports of child abuse occurring. However, that does mean more work; therefore, I have to ask the minister how the Children's Aid Societies, which are expected, after all, to channel a lot of this work and to be the front line, are expected to handle this increase in work, given the ministry's guidelines and restrictions on their staff and budget increases for this year. And, furthermore, how is it that even the demonstration projects will continue to be funded, given the rather low budget in the ministry's estimates of, I think, \$140,790?

Hon. Mr. Norton: Of course, not only the Children's Aid Societies are involved in this. But insofar as the Children's Aid Societies' case work load may increase—in terms of their being required in some instances to take children into care—in that respect our approved level of funding is not restricted to what is approved. Through the supplementary estimate process, at the end of the societies' fiscal year they are invited to submit to us supplementary budgets to pick up the growth that takes place, growth that wasn't anticipated at the time they struck their original budgets. So in terms of that growth aspect, a significant portion of that would qualify under the supplementary process.

Mr. Cooke: With regard to Children's Aid Societies, and since they are the agency that has to handle child abuse and the legal process in this province, and since it is recognized—I think we had a fairly lengthy discussion in estimates—that the employees or the social workers in these agencies are really

not expert enough in the area of child abuse, what is the ministry doing to ensure that there is adequate in-service training in Children's Aid Societies so that the workers will be able to handle child abuse cases?

[2:15]

Hon. Mr. Norton: If by "requiring" the member means making it mandatory that all child care workers receive such in-service training, we have no mandatory requirement as such. But I can assure the member that as these seminars and training programs that I've indicated have been held across the province, there has been heavy involvement on the part of child care workers from Children's Aid Societies along with other professionals. As a matter of policy, we certainly encourage the involvement of child care workers in that training process.

Mrs. Campbell: Supplementary: The minister has referred to the staff members working in this field. Is it a fact that he has three staff members working on the child abuse problem, that one has been on vacation, that another is a secretary, and that in fact there has been one person in the ministry working in this field?

Hon. Mr. Norton: It is correct that we have one director of the program. I cannot at this point give you details as to the breakdown that the hon. member has just related, whether it is accurate or not or whether someone happens at the moment to be on vacation. I certainly will try to get that specific information for the member.

I think if one looks at the very active role that group in my ministry has been playing and the impact it has had across this province, looking at whether one of the staff happens to be a secretary or not is not the most important factor. I think if the member looks at what has been done it is nothing less than very impressive.

Mr. McClellan: Is Chick Hendry in that program?

Mr. S. Smith: With your permission, Mr. Speaker, I'd like to reserve my question in the event that the Attorney General (Mr. McMurtry) returns. I'll take my place in the rotation later, if that meets with your approval, sir.

ADVERTISING

Mr. Lewis: May I address a question initially to the Minister of Industry and Tourism? Is there a public policy in his ministry which allocates specific public moneys to the underwriting of or participating in advertisements placed by private companies generally?

Hon. Mr. Bennett: No, Mr. Speaker, there is not.

Mr. Lewis: Supplementary: How does he arrive then at the kind of ad hoc contribution which his ministry made and of which he as minister was not aware, apparently, towards the Eaton's ad, and I assume other advertisements of that kind? What does the minister exact in return?

Hon. Mr. Bennett: Mr. Speaker, so that we have a full understanding of the participation that my ministry has had with the T. Eaton Company over the last three or four years in the field of both industrial and tourism promotion, we have participated with the Eaton company in what has been called Ontario Alive, which has been a tourism program that it has conducted—

Mr. Lewis: Better alive than dead, I suppose.

Hon. Mr. Bennett: Well, I'll tell the member, it's a great deal more alive than sometimes I think the party he happens to be leading is, sir.

The fact remains that we have had the participation with Eaton's for the last three or four years where we've had kiosks in all of their stores across the province of Ontario. We've had training programs as well as employing students in those kiosks to distribute information relating to tourism. In the initial years they worked for a six-week period per year, and in the current year of 1977 we've participated in 19 stores with a total of 38 student employees for a period of eight weeks.

We have had co-operation with Eaton's—you might say it is fantastic. Let me say that it is one of the retail chains in this country that has at least come forward to offer student employment and an opportunity to promote the province of Ontario to the visitors who are with us in those retail operations.

Eaton's, sir, has run ads over that three-year period promoting the province of Ontario and its tourism. I will admit that the ad which ran yesterday in the New York Times, which has a circulation of 1.5 million, is the first time that we as a province have participated, for which we take no back seat because we think it's interesting to find out what the response will be. I might say that to my understanding we are not the only party, other than Eaton's, that participated in the ad.

Mr. Eakins: Supplementary: What was the province of Ontario's contribution and how effective has this been in the past?

Hon. Mr. Bennett: Our contribution to the ad that appeared in the New York Times yesterday would be approximately \$2,000; about 10 per cent of the cost of the ad and the make-up of the advertisement itself. We have advertised in the New York Times before on various occasions and have found it very profitable. This is the first time this type of an experiment has been tried by my ministry or, indeed, by a retail operation in the province of Ontario.

They are exploiting, and I use the word exploiting, the fact that the Canadian dollar has sunk somewhat in value to 91 cents. We are going to use that as the leverage in trying to bring Americans this way to do their retail purchasing for the Christmas season. Indeed if members read the ad they will notice that they support more than just the retail industry. They support pretty well all of the entertainment factors in this great community of Toronto. They go into the areas of hotels, meals and so on.

I think the ad in itself is a very general one. It is one which I believe will be good for us. I'll know better within the next week or two because they are asked to communicate with the Canadian Government Office of Travel in New York City; they are working with American Airlines and various other organizations that they would likely be in touch with. We think the ad will likely have some very direct beneficial economic factors to this community. I hope that I will be able to report at a later date what the actual results have been.

Mr. Lewis: They even promote the Santa Claus parade. There is nothing but perfection in the ad.

Can I ask the minister, would Eaton's have placed the advertisement without the money from the province?

Hon. Mr. Bennett: Mr. Speaker, that is a question which I am not able to answer at this point. I will say that Eaton's more than likely would have gone ahead with it.

Eaton's had asked more than just the province of Ontario to participate. I understand others have participated with them in this particular ad. I understand that the local convention bureau was asked to participate. I cannot report to this House whether they did or did not. I understand that American Airlines participated in the ad with them.

I think it will have a very direct beneficial effect. Seven per cent sales tax is not what you call an indirect receipt for this government and the people of this province.

As I said, we have tried this on an experimental basis. If it is successful we could very well decide that in the long run it is

advantageous for the province to participate on a hooker ad deal with other commercial organizations—

Mr. Reid: On a what?

Hon. Mr. Bennett: It is not the type of hooker the hon. member is thinking of, so he can just sit down and take life easy.

Mr. Breithaupt: Are those goods or services?

Hon. Mr. Bennett: We could very well find ourselves participating in this type of an advertising program.

Mr. B. Newman: Mr. Speaker, may I ask if the minister would consider using that same principle and assist the Downtown Windsor Business Association in their advertising at the Renaissance Centre in Detroit? This could be done either by regular newspaper advertising or by the distribution of information—

Mr. Lewis: This is the problem. What happens when Simpsons comes to you?

Mr. B. Newman: —so that our American visitors there could come into Windsor, and in this way get a taste of Ontario and go further into the community.

Hon. Mr. Bennett: As I have already said what we are doing at this point is an experiment. Once we have had a chance to analyse it and see its effect we could very well want to participate with other organizations in advertising in the United States.

Mr. Lewis: Why?

Hon. Mr. Bennett: I say to this House very clearly that we think our participation in the ad and the selling of Ontario, and more specifically Metropolitan Toronto, in the New York market for \$2,000 with a circulation of 1.5 million copies is a fairly reasonable cost per issue.

Ms. Bryden: Supplementary, Mr. Speaker: The minister mentioned there would be seven per cent sales tax collected from purchases. But is it not correct that foreign purchasers can have the sales tax remitted if they mention that they are from another country, or if they have it shipped out of the province?

Hon. Mr. Bennett: Mr. Speaker, I believe that there are some considerations taken into account. But I must remind the hon. member that if one eats a meal in the province or one happens to stay for a night's lodging, that tax paid on those particular items is not redeemable.

Mr. Reid: Supplementary: Was the minister aware that this had happened? Would this not be a matter of policy within the

ministry and should the minister not have given the direction rather than reading about it in the *Globe and Mail* with the rest of us?

Hon. Mr. Bennett: I must say first of all I didn't read about it in the *Globe and Mail*. I had a telephone call yesterday evening about 10.30 to tell me it might be in the *Globe and Mail* this morning. So I'd rather say I had an advance copy of what was going to be released in that particular newspaper.

No, I was not informed of the participation; but it would be an administrative problem. Surely in a ministry where we are spending upwards of \$9 million to \$10 million in advertising in this country and around the world, there are people who I feel are competent to make those decisions in the interest of what is going to help the economy of the province of Ontario.

LEARNING-DISABLED CHILDREN

Mr. Lewis: Mr. Speaker, I would like to place a question with the Minister of Education if I may. The time continues to pass, and no statement issues from the minister about the resolution of the problem regarding children with learning disabilities in the province of Ontario. Can he indicate to the House when it is likely that a statement will be made?

Hon. Mr. Wells: Mr. Speaker, the kind of statement that I will be making will be in direction to school boards about the kind of courses and kind of programs that they should have available.

The impression should not be left that the absence of a statement means that nothing is happening in this particular area. Special education is going on. It is delivered by the staff of the school board. What we are trying to do is put together some additional help for those people that will emphasize the needs of children, particularly with learning disabilities, and will perhaps give some additional criteria and so forth that will help them. It may take us a little while longer to get that together. We have been working with the association on it and so forth. That, of course, is intertwined with the program of my friend, the Minister of Community and Social Services—

Mr. Lewis: That is not a program. That is the battleground.

Hon. Mr. Wells: —and his particular involvement in this area. At some point in time I expect the school boards of this province will have programs that they will offer; there is a difference.

Mr. Foulds: No money.

Hon. Mr. Wells: A lot of people in this province, for a variety of reasons, send their children to private schools and they pay for them. In this particular case, for a particular situation, the province of Ontario is paying to send these children to a private school; some of them in this province and some outside. I hope no one is under the impression that in this policy we are going to be establishing residential schools for children with learning disabilities, because that is not the kind of policy statement that we are in the process of developing.

Mr. Lewis: A further supplementary: Will there at least in this policy be some financial contribution from the province of a specific kind which would make it possible for local boards to offer beyond that which is now available, which doesn't meet the needs of many of these kids with difficult problems, many of whose parents are now paying—does the minister not recognize this—from \$7,000 to \$10,000 a year, even in the city of Toronto, for education for which they receive no support from the Ministry of Community and Social Services because our school boards can't handle it?

Hon. Mr. Wells: That, of course, Mr. Speaker, is part of the development of the 1978 grant regulations for the boards. There is now, of course provision for boards that offer increased services to get increased money and at a fair rate—more likely than their rate of grant would be.

In other words, the special education weighting factor creates additional money now for boards like Metro and other boards that have a high level of service. That is part of the general consideration that is going on for next year's grants to allow boards to be able to offer even more extensive services. I just emphasize that our direction is to help the school boards in the delivery of the services in this area, and the programs will still be the responsibility of local school boards in this province.

Mr. Nixon: Supplementary: Does the minister have an agreement from the Association for Children with Learning Disabilities that the school boards, except in the very populous areas, could possibly present a program that would meet the needs of the children who are under discussion, particularly when the professional assessment of most of these individuals calls specifically for a residential type of schooling?

Hon. Mr. Wells: At this point in time, the basic thrust of the school boards in this prov-

ince is not towards the establishment of more institutional care, and if institutional care is desired I think that some other vehicle for handling it should be found. The educational programs are the responsibility of the school boards. As my friend knows, school boards now send teachers into many of the group homes and institutions in this province, but they are responsible for the delivery of the educational service. The residential component falls within someone else's area.

Mr. Foulds: Supplementary: If I understand the minister correctly, it is not going to be ministry policy to make it mandatory to have special education for children with learning disabilities. If that is so, does the minister not find it contradictory, ironic and discriminatory that it is the responsibility of parents to send their children of compulsory school age to school, but it is not the responsibility of the ministry or of the school boards to educate all children of compulsory school age?

[2:30]

Mr. Lewis: That's what's happening.

Hon. Mr. Wells: Mr. Speaker, it is certainly my feeling and the feeling of most of the school boards of this province that they will develop a program for all the children that are brought to them.

Mr. Lewis: That's not so. They do not think that. They have said they can't do it.

Hon. Mr. Wells: Really, at some times, perhaps we think there are many, many people out there who are not being served.

Mr. Foulds: There are too many.

Mr. Warner: Far too many.

Hon. Mr. Wells: I suggest to the member that the number is not that great. The school boards have within their capabilities the potential to serve all the people and this they will do.

I might point out to the member, if he will take the trouble to look, that in the American jurisdictions where mandatory special education, or mandatory education for the handicapped, as I think they entitle it, has been put into effect, the level of service available is perhaps in some cases even less than what is available in the province of Ontario. It hasn't solved the problem. We're looking at solving the problem, not taking some cosmetic step that will lead people to believe it's been solved.

Mr. Lewis: Cosmetic? You are just washing your hands.

Mr. Foulds: How about quoting my bill?

Mr. Sweeney: Given the fact that we now have three of the largest school boards in the province on record in writing declaring that

they cannot provide this service, and given the fact that the minister led us to understand in the estimates that he had a committee of his ministry investigating the possibility—not the confirmation, the possibility—of setting up residential schools here, where is the minister in that particular situation?

Hon. Mr. Wells: I don't recall ever saying that we had a committee that was looking into our setting up residential schools in this province. I have never said that—never in any talks that I have given or in any answers to any questions. I've said that we are looking at a total policy to assist boards to better deliver this service. Let's get that clear, we want to see every child in this province have a program that's best suited for him.

Mrs. Campbell: Or her.

Hon. Mr. Wells: All I'm saying is we can aim towards that by helping the boards get at it and develop the services. Passing a law here saying, "Every board has to do it," and then just saying, "That's fine, you have to do it, now go and do it" is not going to make the situation any better than it is today. What we've got to do is develop the resources and the help for the boards to develop these programs.

What I said was that we are developing, my colleague and myself, a policy that can put forward the way residential accommodation will be handled if it is needed in these particular areas. But I draw to my friend's attention that we are now starting to get over into the whole area of support for private schools and that particular policy decision has to be looked at very squarely. The member may feel one way towards that and we feel another, and they're honest policy differences. But it's not the policy of this government to offer financial support to private schools.

Mr. Lewis: That is not what we're asking. Nobody in this House is asking that.

Mr. Cooke: Mr. Speaker, let's be practical for a minute. I'd like to know from the minister, because I'm sure he knows school boards are not going to provide these types of programs unless there are financial incentives, what new financial incentives is he contemplating over and above the present grant structure?

Hon. Mr. Wells: Mr. Speaker, my friend will see that when the 1978 legislative grants regulations are issued.

Mr. Stong: In the light of the fact that not every student who suffers from a learning disability must reside in a residential area under that type of an educational program, why does the minister not accept the neces-

sity of requiring school boards to provide special education programs? If the minister does not, is he prepared to accept the responsibility in his ministry of financing those children who do require such special education?

Hon. Mr. Wells: Setting aside those who need residential accommodation, I'd like my friend to bring to me examples of children who feel they are not being served by the school board that has jurisdiction in the area where they live. I would be just as interested as he is in that.

If he's saying that the York county board of education cannot take care of the needs of his constituents in York county, show me some examples; I'd like to see this, because the sad and tragic part of this whole matter is, and I recognize this, that there are honest differences of opinion about what the program should be. That's part of the problem and I'm sure my friend recognizes that school boards with their professional staff, psychiatrists, psychologists and so forth—

Mr. Foulds: They just cut them out in Thunder Bay and other centres because of restraints.

Hon. Mr. Wells: —will set out certain programs and the parents' wish for a program for their child will be different to that which the school board wishes to offer, and there will be honest differences of opinion. I've seen them; the hon. member has seen them; they've been brought to him. The resolution of those matters is sometimes very difficult; it rests with different professional advice and so forth. That's one part of the problem.

Setting aside the residential part of the problem, I think that school boards can handle the education of most children with learning disabilities and other handicaps. We now have about 12 per cent of the school population in this province having some kind of special program above and beyond the normal program in the schools. That's something over 200,000 young people in those programs. So, obviously, school boards are capable of doing this. Believe me, we're here to try to help them do the job better, and we hope to make some changes in the 1978 grant regulations that can do it.

But all I'm saying is that simply saying it's going to be mandatory is not going to solve the problem. We've still got to pitch in and help them develop even better programs.

Mr. Stong: One final supplementary, Mr. Speaker.

Mr. Speaker: We've had enough supplementaries on that.

USE OF INFLUENCE

Mr. S. Smith: Mr. Speaker; a question for the Attorney General: Has the Attorney General reviewed the opinion of the law officers of the Crown concerning the laying of criminal charges against Arthur S. Armstrong, as he promised to do a week ago? If so, will he advise the House on what grounds the decision was taken that no charges be laid?

Hon. Mr. McMurtry: Mr. Speaker, as I indicated personally to the Leader of the Opposition, at the end of last week, I think, I had a preliminary opinion that I reviewed with the law officers of the Crown. I felt that in view of the interest in this matter—particularly because there were a number of questions asked in relation to this particular section of the Criminal Code during the estimates—that I wanted to have a fairly comprehensive opinion, not just in relation to this case but because of the interest indicated from the members of the House, to indicate the criteria generally used by Crown law officers in this section.

The former leader of the Liberal Party was very interested in this matter and, quite frankly, I felt we required something fairly comprehensive, and I indicated to the Leader of the Opposition at the end of the week that it would be early this week before I would have that response. I can't guarantee tomorrow, but I hope it will be ready tomorrow. I think it will be Thursday at the latest.

Mr. S. Smith: Mr. Speaker, by way of supplementary: Is the Attorney General basically saying that when his predecessor decided not to lay charges, the weighty opinions of learned members of his department—opinions which, he told us, he was certain existed—were in fact not so intensively and definitively put that he could actually present them to the House, and that he now has to tell his officers to get busy and work out a better one? If that is not so, why can't we get the reason why he didn't lay charges in the first place?

Mr. Nixon: That's what it sounds like.

Hon. Mr. McMurtry: I wanted, quite frankly, to get a response. I have seen the opinions given to my predecessor and I think they're quite intelligible to any lawyer experienced in the criminal law, but judging by the nature of some of the questions I've been getting during the estimates I could appreciate—seriously, Mr. Speaker—appreciate the concerns that have been expressed by some of the non-lawyer members of the Legislature

as to the criteria in respect to some of these questions. Quite frankly, with all due respect to the Leader of the Opposition, who is very knowledgeable in many areas, I would not put the administration of justice at the top of the list, with all due respect.

Mr. Kerrio: A lot of lawyers wouldn't understand it either.

Mr. S. Smith: It is too complicated.

Hon. Mr. McMurtry: I repeat, Mr. Speaker, there was considerable interest expressed in relation to this section, not in relation to this matter but in relation to others, during estimates. That is why I want a comprehensive response because, as the former leader of the Liberal Party stated the other day, there were a number of occasions in which he felt that this section should have been considered by law officers of the Crown. He was somewhat puzzled by the fact that, in his words, "there weren't more charges laid in more cases." For that reason I tried to take some care in having my law officers prepare an opinion that will be of guidance to those members who are interested in this question.

Mr. Nixon: A supplementary: What the minister is saying is that the opinions his predecessor had, and what he has on file, won't wash in this House and, therefore, he's telling them to go back and do better and that I wouldn't understand it.

Hon. Mr. McMurtry: That's nonsense. That's absolute nonsense.

Mr. Nixon: But would the minister not agree that there is a certain condescension in the Attorney General when he indicates that there are many people in this House who are not perhaps acute enough to understand the opinions put forward by the law officers? Why doesn't he just table them and then, perhaps, if we are critical the hon. Attorney General could defend them? That's surely what we're here for.

Hon. Mr. McMurtry: When dealing with the hon. member I feel I have to be a little condescending.

Mr. Lewis: Maybe he's cute rather than acute.

Mr. Speaker: Does the hon. member for Wentworth (Mr. Deans) have a supplementary?

Mr. S. Smith: I have one, Mr. Speaker.

Mr. Speaker: We'll have one final supplementary. I want to draw the hon. members' attention to the fact that we have spent 33 minutes on the first four questions.

Mr. S. Smith: With complete respect, perhaps we could in general cut down on the supplementaries to leaders' questions. Certainly, I wouldn't object to that.

If I might on this occasion, however, momentarily go beyond the bounds of psychiatry to which I'm apparently going to be limited by the hon. Attorney General.

Hon. Mr. McMurtry: We just want to give the member as much help as we can. We're just trying to be helpful.

Mr. S. Smith: Understanding that the matter to which I'm referring is one of those complex legal matters, and I'll just do my best with it—

Mr. Reid: Like the hospital closures.

Mr. S. Smith: —but given the Toronto Star's Saturday report of statements by Judge Stortini, Mr. Noel Bates, Mr. Ross Wilson and by Inspector Lou Pelissero, all involved with the aborted judicial inquiry into allegations of corruption in Mississauga, that further investigation is warranted, will the Attorney General now agree to recommend such inquiry to the government under the Public Inquiries Act rather than under the Municipal Act where a lot of technicalities were pointed out by the divisional court and could impede the inquiry?

Mr. Breithaupt: If the Star understands it surely we can.

Hon. Mr. McMurtry: Again, some of the members opposite are having some difficulty in appreciating the role of the Attorney General in this matter. My interest in the matter is directed to whether or not there is evidence of criminality warranting criminal charges or further investigation.

I should say, that insofar as any investigation into municipalities' affairs based on allegations that relate to ethical considerations or lack of morality is concerned, that in my view is a question that should be more properly directed to the Treasurer (Mr. McKeough) in relation to his responsibilities vis-à-vis municipalities. If there is some inability of a municipality to properly handle their affairs—some inability that falls short of criminality—that in my view is not a matter that should be of concern to the Attorney General any more than it would be to any other member of the Legislature.

I want to indicate in relation to this also that at the time that these documents were reviewed by the Ontario Provincial Police and a report was given to the senior law officers with respect to whether or not any criminal charges should be laid, we did not leave the matter at that point. At the request of the municipality we returned all the documents to Mississauga and at the same time my office indicated to the municipal solicitor that in view of the public interest in this

matter they would do well to retain the services, as an example, of a retired judge or somebody very senior in the legal profession to give them an independent review because of the questions being asked.

[2:45]

We were satisfied that criminal charges were not warranted but in view of the interest, the suggestion was made to them to take advantage of having some independent body review it. Now, whether or not this recommendation was pursued or not, I have no knowledge.

Mr. Nixon: The mayor said he looked it up and nobody looked at it.

Hon. Mr. McMurtry: But all of these documents are again in the possession of the Mississauga council.

HYDRO OBSERVERS IN HOUSE

Hon. J. A. Taylor: Mr. Speaker, on November 17, the member for London Centre (Mr. Peterson) asked whether Ontario Hydro has a chartered accountant attending all meetings in the House—for example, the public accounts meetings—when nothing to do with Hydro is being discussed. He further asked: “Are they monitoring all other procedures of this Legislature?”

In response, I am advised that a chartered accountant on the staff of Ontario Hydro’s financial and information systems division did attend a meeting of the public accounts committee on November 10 and again on November 17. In his role as a Hydro accountant, he was specifically concerned with the intentions in regard to Bill 43 dealing with proposed revisions to the Audit Act.

Neither Ontario Hydro nor my ministry are aware of any chartered accountant of Ontario Hydro attending all meetings in this House or monitoring procedures of this Legislature.

HOSPITAL CUTBACKS

Mr. Conway: My question is to the Minister of Health: Following my leader’s question of November 3 about the Lakeshore psychiatric hospital, can the minister explain the rationale for hiring 12 new psychiatric nursing assistants in August of this year and then putting five of them on part-time contract until March 1978 and laying off six as of tomorrow?

Hon. Mr. Timbrell: Mr. Speaker, that answer is being prepared. I thought it would have been ready by now but as I recall the initial information I had the majority of them were in fact hired on a short-term basis to

serve specific needs for specific aspects of the program; other layoffs of them relate to restraint on the budgets, but of course we are talking about a facility with many hundreds of staff. As a percentage, this is not a major cutback.

Mr. Conway: Supplementary: Having regard to the fact that since November 3 there has been at least one serious outbreak of violence at the Lakeshore psychiatric hospital among inmates and that as a result of that particular altercation several staff members have been injured and in fact some hospitalized, can the minister justify tomorrow’s layoffs when the existing staff is recognized as being inadequate, as evidenced by repeated demands for them to work double shifts and that many of the staff members now fear very much for their personal safety?

Hon. Mr. Timbrell: Mr. Speaker, I think quite frankly that the member is overstating it. I wish that he had as much concern, say 18 months or two years ago, for the safety of our staff.

It is unfortunate but true that from time to time staff are attacked and sometimes quite seriously injured. After all we are dealing with some people who are in many cases extremely disturbed and I think it’s fair to say that no matter what the staffing levels these incidents are going to occur, unless the member is suggesting that everybody be restrained, which I certainly hope is not the case. I think that he is overstating the problem considerably when one considers that better than two-thirds of the 12,500 staff in the Ministry of Health are in the psychiatric hospitals area and we are talking about fewer than 100 layoffs, most of those in the areas of dietary services and so forth. Admittedly there are some in nursing areas which is requiring the merging of some wards and that sort of thing, but I think it really is overstating it.

I am aware of one particular incident that occurred recently which was extremely unfortunate, and I hope that the initial diagnosis I have heard of the gentleman’s condition is not true. But these attacks are, unfortunately, a fact of life of a psychiatric institution.

Mr. Lawlor: By the way, the member for Renfrew North is stepping on to my preserve. I hope he realizes that?

Interjections.

Mr. Lawlor: A supplementary in two parts: Has the minister seen the petitioning letter written by permanent members of the staff with respect to this, which spells out the problem in pretty good depth? Secondly, in

that letter and arising out of it, particularly in the second paragraph, is he aware of the counter-productivity of his move with respect to these nurses—to the \$60,000 that is required to educate them and to releasing them onto a very short market?

Hon. Mr. Timbrell: If I followed that line of logic, I suppose we would double the budget of the Ministry of Health and hire everybody who is available.

Mr. Lawlor: That's a smart aleck response.

Hon. Mr. Timbrell: No, really. I suggest to the member that is a logical conclusion of that kind of an argument.

I haven't seen the particular petition that the hon. member refers to. But we are taking great pains to ensure that we, along with other ministries in the government, meet the restraints due to dropoffs in revenue. We're also trying to hold the line on the increase in government spending for the next fiscal year, so we are trying to ensure as much as is possible that the area which is least affected in our ministry's program is the area which deals with direct patient care. This is so whether we are talking about the psychiatric hospitals or whether we are talking about the ambulance services branch.

Mr. Conway: Can the minister advise, or report later, whether or not it is true that the core staff is being requested to work double shifts? If this is so what, if any, manpower requirements will that mean for the future? It seems that if the present group are being asked to work double shifts, then further manpower is necessary.

Hon. Mr. Timbrell: I have learned in recent days that one should not put much stock in rumours. I have seen a circular distributed by OPSEU in Owen Sound that said that Dr. MacKinnon Phillips Hospital was going to close and that the patients were going to go to Penetanguishene. That was the very day that cabinet approved in principle the merger of Dr. MacKinnon Phillips with the Owen Sound General and Marine.

I have heard rumours started, or aided along, by a member of the third party that OHIP wasn't going to go to Kingston, that it was going to go to Brockville. It wasn't true—

Mr. Speaker: That is really not a part of the question.

Hon. Mr. Timbrell: I will check into that rumour. I don't believe it has any substance.

TRIAL DELAY

Mr. Deans: A question for the Attorney General: Will the Attorney General review

again the administrative operations of the court system in Hamilton to determine why it would have taken 14 months for a charge laid in September of last year—which amounted I think probably to public mischief but which was racially motivated—to come to trial? Then by the time it got to trial it was dismissed out of hand? Why would it take 14 months for it to get to trial?

Hon. Mr. McMurtry: There may be any number of reasons why it would have taken 14 months, quite apart from any backlog in the courts. It would be of assistance to me if the member would identify the case for me. The acting director of Crown attorneys in my ministry was the Crown attorney in the Hamilton area for some period of time. If the member for Wentworth could do that, I will be happy to obtain whatever information I can in relation to that case.

Mr. Deans: One supplementary question: On cases which are not those which capture the public's attention most often, wouldn't it seem to the Attorney General that the undue delay reduces the importance of the case and the importance of the charge? Also would he not think the fact that it was simply dismissed was evidence that a review of the charge might well have been undertaken during the 14-month period to determine whether or not it was likely to proceed at all?

Hon. Mr. McMurtry: I would certainly agree with the member, Mr. Speaker, that we should do everything we can to shorten the period between arrest and trial. I also agree that if there was an undue delay in relation to trial of a matter, the public might very well have the perception that the case isn't important. So I certainly agree with the general principle that first of all it's desirable to proceed as quickly as possible with all criminal charges and with those in which there is a particular public interest, it's all the more desirable. No question about it.

DISPOSAL OF PCBs

Mr. B. Newman: I have a question of the Minister of the Environment. Has the ministry compiled an inventory of PCBs being held for disposal by utilities commissions and also an inventory of the PCBs that are imported from other jurisdictions for disposal?

Hon. Mr. Kerr: Mr. Speaker, as a result of some inquiries in the last month or so, we are now proceeding to attempt to categorize and catalogue the amount of PCB material that is being handled in the province. We are starting, as a matter of fact, in the Windsor area.

It is difficult because some of this material is hauled through Ontario, particularly in the hon. member's area where they go in and out of the United States. However, there is a substantial amount generated in this province. We're attempting, through our new waybill system and our regulations regarding reporting shipments of contaminated material, to have an accurate inventory in time.

Mr. B. Newman: Supplementary: In view of the comment by a local utilities commissioner—"Who is telling us we can't use it on road surfaces?"—will the minister provide the municipalities of Ontario with guidelines or regulations on the holding and/or disposal procedures for PCBs?

Hon. Mr. Kerr: Yes, I'd be happy to do that. But I might point out to the hon. member that in no way should the municipality use material that's contaminated with PCBs in road surfacing or road repairing.

Mr. Gaunt: Supplementary: Could the minister assure the House that PCBs are not being imported into Ontario for industrial use, particularly in view of the fact that between 1964 and 1974 approximately 35 million pounds of PCBs were imported into Canada?

Hon. Mr. Kerr: Mr. Speaker, PCB material is used in transformers, for example, and in equipment used by Hydro. The material is only manufactured, I believe, by Monsanto in the United States. Until we find an acceptable alternative to this type of material for Hydro equipment, for example, there will have to be some importation.

The federal government, through their Environmental Contaminants Act, have indicated to the industry that there will be a deadline on the importation of this material. Hopefully, there will be an alternative for the material being used in Hydro transformers and by our utilities in equipment of that kind because it's very valuable.

Ms. Bryden: Supplementary: Did I understand the minister to say that there are now provincial regulations governing the transport of PCB-contaminated material? I remember that the Minister of Transportation and Communications indicated that these were still under consideration. Are there regulations now in effect?

Hon. Mr. Kerr: It's my understanding that the Ministry of Transportation and Communications has passed regulations which are subject to the approval of the federal government. The minister has been in consultation with the federal Minister of Transport,

and just as soon as they act these regulations will be effective.

Mr. Gaunt: Could the minister indicate how many pounds of PCBs were imported into Ontario last year? Would that information be available?

[3:00]

Hon. Mr. Kerr: Yes, I'll get that information for the hon. member. At the same time, I must point out that most of the PCB material generated in Ontario has been exported.

There are those instances where PCB-contaminated materials are used for fuel—they need a certain quantity to carry out, for example, burning in a cement kiln or something of that nature—so I couldn't say that at no time will there be any importation of PCB-contaminated material if it is going to be used for such a purpose as the manufacture of cement and will undergo safe disposal in a manner of that kind.

HOME BUYER GRANTS

Mr. Ziemba: I have a question of the Minister of Revenue. Given that her answer to question 32 on last week's order paper regarding illegal first-time home buyer's grants indicated an audit rate of 2.9 per cent, is she prepared to stand by this 2.9 per cent figure?

Hon. Mrs. Scrivener: Of course, Mr. Speaker.

Mr. Ziemba: A supplementary, Mr. Speaker: How does she reconcile the 2.9 per cent with one of her ministry's auditors who admitted to an Ottawa journalist that the real figure is 10 per cent? Which one is cooking the books?

Mr. Speaker: I think that is kind of a crude way of putting it. I would hope the member would withdraw that "cooking the books."

Mr. Ziemba: I would like her to square the 2.9 with the 10 per cent that her auditors are telling the journalists.

Mr. Speaker: I think the member should withdraw the comment. "Cooking the books" is tantamount to calling somebody a liar, and I hope the member would withdraw the "cooking" part.

Mr. Ziemba: I will withdraw the "cooking" bit, but I would still like to get an answer to my question.

Interjections.

Mr. Speaker: A supplementary, the hon. member for Scarborough-Ellesmere.

Mr. Warner: Thank you. I would like to know when the minister is going to stop punishing those people in my riding because of the mistake that her government made over this home buyer's grant.

Hon. Mrs. Scrivener: Mr. Speaker, I would refer the member to the recently published Hansard of the debate on estimates on this subject in which he participated.

DIABETIC TRUCK DRIVERS

Mr. Bradley: A question for the Minister of Labour, Mr. Speaker: Does the minister approve of the policy of the Ministry of Transportation and Communications which says that a truck driver who becomes diabetic before January 1977 and has driven for a long time may continue to drive and have a class A licence while a person who has driven a truck for 15 or 20 years, or whatever number of years, who becomes diabetic after January 1977 is not allowed to be granted a class A licence? As the Labour minister, does she approve of this?

Hon. B. Stephenson: Mr. Speaker, if there were valid medical reason for making that kind of distinction, then I most certainly would approve of it. I would have to read the regulation carefully to understand whether that valid medical basis is there.

Mr. Bradley: A supplementary: Would the minister not agree that this actually discriminates against those who become diabetic after January 1977? What would be the difference between being diabetic before and after January 1977 if you are already a truck driver?

Hon. B. Stephenson: Mr. Speaker, not necessarily. But, as I said, I would have to read the regulation in order to determine whether indeed there is valid medical reason for doing this.

ALUMINUM WIRING

Mr. Warner: I have a question for the Minister of Consumer and Commercial Relations—I certainly wouldn't call it "consumer protection." What is he going to do about Mr. Bill Liber, the legal counsel for the commission of inquiry into aluminum wiring, who is flagrantly violating the terms of reference of the inquiry which the minister set out by objecting to evidence which is given?

Hon. Mr. Grossman: I have no details of that in front of me and I will find out what it is that the member is objecting to. If he would like to send me something specific—I am sure he has specifics to justify his statement that they are flagrantly violating them

—if he sends me those specifics I will look at them and report back to him.

Mr. Warner: Supplementary: Is the minister aware that Mr. Liber, based on what he has been doing to date, would likely have ruled out my own personal testimony as a person who has had aluminum wiring—

Hon. B. Stephenson: That's reasonable.

Interjections.

Mr. Warner: —that speaks to your own inadequacies, not mine—as a person who has had aluminum wiring problems of sparking and burning in my own house, on the basis that I am "not qualified to give anything more than a personal opinion," entirely contrary to the spirit of the minister's own terms of reference which he handed out to us earlier this year?

Hon. Mr. Grossman: Mr. Speaker, I am not sure I heard a question in that statement.

Mr. Warner: Mr. Speaker, the minister in his first response asked if I had specifics, and I am asking if he is aware that my own personal testimony would not be accepted because, to quote Mr. Liber, it is a personal kind of statement, which is completely contrary to the terms of reference which this government drew up back in April of 1977. Is the minister aware of that?

Hon. Mr. Grossman: Frankly, Mr. Speaker, I am not aware of Mr. Liber's reaction nor the submission made by the member for Scarborough-Ellesmere, although it causes me to think I had better reflect very carefully on the member's first question as the reaction he has described might have eliminated his own testimony. It leads me to believe that maybe the counsel is showing some very careful and good judgement.

However, I can assure the member he can rest easy, because I will not report back to the House as to the member's testimony in front of the commission. I will report back on the activities of counsel.

Hon. Mr. Norton: How do you feel about the inquiry?

Mr. Davison: Supplementary: While the minister is doing that will he also take a look at the overly rigid fashion in which the commission is dealing with people before it, other than my colleague from Scarborough-Ellesmere, particularly one Mr. Phil Edmonston, who is having a great deal of trouble getting before the commission with a second submission in regard to a recent study done in the United States, which was a survey that showed that wiring was responsible for 50 per cent of home fires?

Hon. Mr. Grossman: If the member would like to drop me a note or call me on that and give me the specifics, perhaps together with the transcript of what happened on the day that he is concerned about, then I will be pleased to take it up with the commission. I wouldn't want there to be any suggestion at any time that everyone did not have an opportunity to present a full and complete case in front of the commission. I would appreciate the member doing that right away, so that when the commission reports back there is no suggestion that it wasn't a full and complete report or hearing. If he would send that along to me I will look into it right away.

REPORT

COMMISSIONERS OF ESTATE BILLS

Clerk of the House: I have received a letter addressed to me as Clerk of the House: "Re Bill Pr16—County of Middlesex.

"The undersigned, as commissioners of estate bills as provided by the Legislative Assembly Act, RSO 1970, c.240, having had the above-noted bill referred to us as commissioners now beg to report thereon.

"We have investigated the desirability of the proposed legislation and have had a hearing which was attended by the following: Mr. Andrew Wright, solicitor for the county of Middlesex; Mr. Ron Eddy, clerk administrator for the county of Middlesex; Mr. Ford Daputo, deputy solicitor for the city of London; Mr. David Peterson, provincial member for London Centre; Mr. Ron Van Horne, provincial member for London North; Mr. Ivan Hearn, chairman, county property committee; Mr. William Galbraith, warden, county of Middlesex; Mr. Robert Eaton, provincial member for Middlesex; and Mr. Gordon Walker, provincial member for London South.

"We are of the opinion that it is not reasonable that the said bill should pass into law. Our reasons for that opinion are two.

"1. There is a serious question as to whether, as a matter of law and having regard to the second recital in the preamble to the bill, ownership of the lands described in the bill remains in the corporation of the county of Middlesex subject to the trusts contained in the letters patent or has reverted to the Crown in the right of Ontario on a resulting trust.

"2. In any event, we think it is premature to enact the bill until a firm agreement has been reached between the county, the city and the provincial and federal governments as to the uses to which the lands will be put.

"We enclose a copy of the bill which we have duly initialled.

"Yours truly, A. R. Jessup, JA, and Bertha Wilson, JA."

ORDERS OF THE DAY

House in committee of supply.

ESTIMATES, MINISTRY OF THE ATTORNEY GENERAL

(continued)

On vote 1302, administrative services program:

Mr. Chairman: When the committee was previously sitting, vote 1302, items 1, 2 and 3 had been approved. However, I believe the committee did give approval to the member for Lakeshore to discuss item 1 briefly.

On item 1, main office:

Mr. Lawlor: I object on the basis of the question of order. It is true that these items slipped through nonchalantly, Mr. Chairman, and as it would be adverse to the interest of this House it was agreed on all sides at the time that it not be permitted to do so. As I understood the situation, we reverted to the Legal Aid situation.

It's true that I haven't got a great deal to say about the balance of the vote except regarding one or two small points, but I would ask that the matter be left open. We have only 10 hours left on the estimates, but this is a matter of salient significance in the overall picture and some minor thing may arise in the course of it. I would ask for your indulgence in this regard.

As the House rose I was speaking about the Legal Aid picture in Ontario, I sat down and let the Attorney General answer, but I'll continue at this time as I feel a little rested.

The first point that was being made—and I'll make it very succinctly—was that there is a great deal of carping out there among people who should know better about the operations of the scheme. They say they are going to withdraw, that they are no longer participating, that it's some kind of parasitical scheme.

I think there's a mixture of motives for this reaction, one of them being that younger lawyers are inundating the field, as would be anticipated. That's all to the good, I thought that in the criminal bar, which was a very restrictive bar when the present Attorney General practised, the bulk of the work is being done by junior lawyers. In the past, a nice little cabal of lawyers ran the show for quite large fees, of course.

When this scheme first got started, a man of the stature of George Martin, now judge of the Court of Appeal of Ontario and probably

the finest criminal lawyer in the country, participated quite open-handedly in the scheme. A great many senior and experienced criminal lawyers did so. To have that attacked or pulled back by people of this stature is going to undermine the scheme and will bring it into disrepute. Apparently there's a deliberate move afoot to do so.

[3:15]

I was saying that it's my feeling that Legal Aid is levelling out and that the figures go a long way to bear that out. I would like to know the Attorney General's response to this.

Getting back to previous years, in 1974-75, for instance, the informal applications were 67,000 in round figures and in 1975-76, they were 94,000. This year, 1976-77, they were 96,000. The jump was very small indeed.

In the next item that is set forth with the applications for certificates, for the first time it has actually fallen compared to the previous year, from 107,000 to 103,000. In the previous period it had increased 26 per cent. If you look back it was probably jumping about 26 per cent per annum for the previous eight years.

The figures reflect this on the criminal certificates actually issued. This year, it was 41,000. Last year, it was 46,000. The year before that, it was 38,000. So it's jumped 53.7 per cent in the two previous years, but has declined in this past year. The number of people assisted by duty counsel has gone up slightly but that assistance, both on the criminal and civil side, is summary advice given, largely off the cuff, to individuals who are eligible for that kind of advice. The figures are not monumental at all.

Overall, there just could be a holding of the line or a decrease. I think we'll all agree that if that's the case, consolidation in the scheme is to be expected and welcomed, so that we get a breather as to what our future directions in the scheme are, as to those large areas in which individuals cannot or will not be represented by duly established lawyers, those areas in which their life, liberty or property are not at stake in the course of the hearing—when the summary process would not be available to them. Either that, or a greater emphasis should be put upon the community law services to which, in this party at least, we give much attention.

I want to give a great deal of credit to the Attorney General. I know he's had to run into the teeth of opposition in his own cabinet, particularly from his Treasurer, in maintaining and expanding this scheme. It's not been easy. I'm personally convinced that he believes in its validity and its efficacy and

that it is a necessary thing in justice; and particularly in criminal justice, that this particular matter be not only supported but forwarded and given an extra role.

Secondly, on one Saturday morning, he had either the gall or the simple bravery to attend a meeting of many people in the non-legal end of the community law services—all these store-front offices, et cetera. I hadn't anticipated that he would show up on that particular day, because the air was very much against him. The feeling in that crowd was negative when he came in, blessedly a little late, and went immediately to the platform. By the time he had finished he had won over the hearts of pretty well everyone in that auditorium. I said, "This man is a superb politician, if nothing else." I bowed my head to the real force of gravity. It was a remarkable performance.

As I've come to learn from conversations et cetera, it was valid. It was thoroughly, heart-feltly meant. You get credit from this side of the House, as far as I'm concerned, for taking that position and for standing up against a number of factions, not so much the Law Society in this particular thing—although, God knows, the resistance is there and has to be eroded and gradually overcome with respect to community services—but within your own party and dimensions.

You have increased by \$4 million or \$5 million the amounts of money available. I would point out to you, on the other hand, that over \$6 million is being contributed within the ambit of your estimates through the federal government for its contribution in the criminal area. That should be taken at that expense, and that expense commensurately somewhat more on a proportion, I think, than with your own scheme. It certainly somewhat takes the edge off your approaches to Management Board.

I want to place on the record some of the facts of the scheme; as I say, it's finished its tenth anniversary. I'm reading from the Law Society of Upper Canada's annual report for 1977 which just arrived on our desks:

"Between the Legal Aid Plan's beginning and March 31, 1977, 2,183,388 persons in Ontario have received assistance at an average cost to the provincial government over the past decade of \$56.46 per person.

"A total of 199,233 persons attended at the 46 Area Directors offices across the province during the tenth fiscal year. Of those, 103,177 made formal applications for Legal Aid certificates. When compared with the previous 12-month period, these figures represent decreases of 1.4 per cent and 3.8 per cent respectively.

"Of the 103,177 formal applications, 76,649 were issued certificates of eligibility, a decrease of 11.4 per cent over the previous year. Of these, 41,467, or 54.1 per cent were for criminal cases and the remaining 35,182, or 45.9 per cent, were issued in civil matters."

The pretty well even division between these two branches is also a persisting feature of the plan: "Thirty-one per cent of the formal applications were refused, which is an increase of four per cent over the previous year." There do seem to be somewhat more refusals than previously. Whether that's part of this overall constrictive, restrictive or whatever kind of strangulation program it is that we're presently engaged in, I'm not sure.

Mr. Nixon: Strangling! They are choking on money.

Mr. Lawlor: Perhaps the Attorney General would advise me on that particular point.

The amount of money coming in from the federal government is \$6,248,250. That's reflected in the last year's figures of \$23,554,000. That's the basic picture as presented to date by the Legal Aid scheme.

I would just like to read into the record one sentence delivered by the present Attorney General on May 26, 1977, and contained in the Law Society Gazette for September of this year. It reads:

"As Ontario's Attorney General, I have the historical, constitutional responsibility to ensure that civil liberties are protected in this province. Legal Aid is perhaps the single most important mechanism we have to turn the dream of equal rights into a reality."

As I promised I would not go on at great length about Legal Aid this year, I simply abjure and request that the Attorney General continue to place his emphasis where it belongs, that he protect and foster the community law offices as they are. The time is not yet right in my poor opinion to take the whole administration of the scheme out of the hands of the Law Society. Those who insist upon that particular aspect seem to me to be caught in some form of Nietzschean resentment—if I may use the French—it's the right word in this instance—the kind of feeling of carping or envy or some quality. It's almost as though they would like to take the scheme out of the hands of the lawyers completely.

Being administered in the general way that it is, before I sit down I want to give enormous credit to the area committees—to those numerous citizens, non-lawyers, who sit on these groups and hear appeals and who

contribute their time free of charge. If ever these costs were all added into the scheme under some independent body, the cost would be truly atrocious indeed. They would go very easily to \$50 million in any particular year and if all these gratuitous and highly beneficial acts were excluded from the scheme and it was placed on a pure monetary basis, then indeed it would be under fire and probably would collapse of its own weight.

Mr. Nixon: Mr. Chairman, I know that you want to proceed with other matters but I have been stimulated by the hon. member's comments particularly his reference to Nietzschean resentment. To add a few comments, because I don't know when I have heard such a self-serving statement made in this House than we have just heard from the member for Lakeshore, who is a lawyer himself—

Mr. Lawlor: Where is your critic?

Mr. Nixon: —and is simply telling us that if it weren't for the tremendous and overwhelming generosity of the legal system and the individual lawyers in this province that instead of being milked out of \$25 million today—

Mr. Lawlor: Milked!

Mr. Nixon: —that it would cost us at least \$50 million.

There was a time, although I don't know whether the hon. member for Lakeshore can recall it, when it was a professional responsibility of lawyers, whether they were in the luxurious suites in the tops of the bank buildings or whether they worked out of some kind of a political office in their own riding, to at least think about contributing their undoubted valuable services to the individuals who would come into their offices and ask for it.

Mr. Lawlor: People were ignored. Hundreds went to jail unnecessarily. Don't you even know that? What do you know about this subject?

Mr. Nixon: Now the hon. member, having got his fits on \$25 million along with the other lawyers of this province, has the nerve to say to us that if we paid for their undoubted valuable services it would be \$50 million. That just makes me sick.

I will tell you, Mr. Chairman, when I read the list of lawyers who were participating in the Ontario Municipal Board hearings around Barrie, I was told by the hon. member for the area that the legal services would cost the poor and hard-pressed taxpayers of that area alone \$1 million, just to diddle around with the boundaries of the

town of Barrie and the areas in that particular part of the province of Ontario.

Obviously, I strongly and personally support the concept of Legal Aid, but I think the lawyers in this province are just getting so greedy and grasping that when we read in the Star, as we read today, of these two examples of the legal profession crowing about their charges of \$1,200 a day to argue over something having to do with the planning future of the province, you just wonder where the AIB is, whether there is any concept at all about—

Mr. Lawlor: That isn't Legal Aid.

Mr. Nixon: You were talking about Legal Aid completely out of order anyway. We passed that on Friday and you wanted to come back with this gratuitous back-slapping stuff about how generous and public-spirited all the lawyers are.

But I really believe that the lawyers as a profession, and I can't point the finger at any one of them, are simply ripping off the community. What stimulates me to make these comments was the sort of gratuitous approach by the Attorney General in question period that nobody except the initiated, the people who have had the laying on of hands by the Law Society of Upper Canada, who have gone through all the tortuous proceedings—
[3:30]

Mr. Lawlor: Listening to you, I have to agree with them.

Mr. Nixon: —of the bar admission course, that they are the only people who can understand truth and justice and simple English. It's like a secret society. And after they have got their arms around each other for long enough, they award each other a QC and that stimulates them to raise their pay even more.

I used to have a lot of confidence that the member for Lakeshore had some kind of a populist feeling, a little bit of blood in his veins and not just liquid gold or something.

Mr. Lawlor: Cow dung on his boots.

Mr. Nixon: I really am appalled that there seems to be almost a conspiracy of lawyers in this House to further their own careers and their own incomes. I just find it appalling. I can remember when we started Legal Aid, we were able to pay for it with only \$9 million.

Mr. Lawlor: That was for a third of the year.

Mr. Nixon: I can remember the government of the day being very much concerned about that as a new cost. I don't know, I suppose there are more actions in the courts, but it

seems to me that the amount of money we are shovelling into the lawyers' pockets is just appalling.

Mr. Lawlor: A third of the year, Mr. Chairman.

Hon. Mr. McMurtry: We have witnessed the reincarnation of Mitchell Hepburn.

Mr. Foulds: That's right.

Mr. Nixon: And I hardly ever drink.

Mr. Lawlor: Talking about this conspiracy of lawyers, I sure miss some of the Liberal ones, if I may say so. And by the way, where does the Liberal Party stand on this issue? I attended the 10th annual meeting about the whole thing, and stated my party's stand immediately before the election. Mr. Stong was there. His position was that they were opposed to the maintenance of Legal Aid within the Law Society itself. But I understand Mr. Roy's position is quite diverse. I thought, how typical, how commonplace that the two Liberal members are the chief spokesmen in this cause.

Mr. Nixon: Well, your position is just more money for lawyers and telling us just how lucky we are it isn't costing us more.

Mr. Lawlor: We seldom have to listen to such a farrago coming from the lone wolf on the front bench at the present time who is really not very well acquainted with this whole area.

Mr. Nixon: Ah, I have watched it balloon all these years.

Mr. Lawlor: Where does the Liberal Party stand on the issue? I would love to hear.

Mr. Foulds: Straddling both sides of the fence.

Hon. Mr. McMurtry: I must admit I am rather curious as to where the official opposition stands on the issue of Legal Aid in relation to the administration of the plan. I have urged the member for Ottawa East (Mr. Roy), my good friend and Justice critic,—

Mr. Foulds: Who happens to be absent during these estimates.

Mr. Nixon: He's busy in the courts.

Hon. Mr. McMurtry: —and the member for York Centre (Mr. Stong) to get together to just see where they stand on this issue. It would be helpful if they would consult with one another on occasion.

I should like to thank the member for Lakeshore for his kind reflection on the beleaguered Attorney General in relation to the matter of Legal Aid. I think it is very refreshing that he as Justice critic in a socialist party which is not generally altogether supportive of the legal profession would

recognize, to the extent that he has, the very valuable contribution made by the lawyers in this province who provide services through the Legal Aid Plan.

I have no brief for the lawyers referred to in today's press by the member for Brant-Oxford-Norfolk and the matter of \$1,250 a day. That represents about a month's salary around here, I guess. But that I think places in focus the contribution—

Mr. Nixon: You can never miss a chance to be condescending on these matters. You just never miss a chance.

Hon. Mr. McMurtry: —that is made by the lawyers of this province who practise in the Legal Aid Plan and really recover for their daily efforts a minute fraction of—

Mr. Nixon: Of what they're worth.

Hon. Mr. McMurtry: —fees charged that were just referred to—

Mr. Nixon: The highest paid single group in society.

Hon. Mr. McMurtry: —by the former leader of the Liberal Party.

I can assure you, Mr. Chairman and the member for Lakeshore, that I will continue to be a very strong defender of the Legal Aid Plan and not through any selfish reason, but simply because I believe that it meets the needs of many thousands of Ontario citizens.

If I may quote briefly from a speech that I made on the occasion of the 10th anniversary of the Legal Aid Plan as follows: "It must be brought home to the public that our freedoms are at best fragile and that they depend on the ability of every citizen to assert in a court or a tribunal his rights under law and to receive sound legal advice as to his rights and obligations. Our laws and freedoms will only be as strong as the protection that they afford to the most vulnerable members of our community. In affording this protection, Legal Aid does make a deep and essential contribution to our social fabric and indeed to our very way of life."

Mr. Nixon: Are you really quoting your own speech? Do you think this is a good thing to do?

Hon. Mr. McMurtry: I go on to say: "I think it is important to realize that the government is deeply committed to the concept of Legal Aid as a means of preserving individual rights and ensuring our system of liberty under law." Those are the remarks that I made on March 29 of this year on the occasion of the 10th anniversary of Legal Aid and I would like to indicate that I feel every bit as strong today as I did on that occasion some six months or so ago.

My view is, with respect, Mr. Chairman, that the amount that is expended on Legal Aid, representing as it does such a tiny fraction of the provincial budget—for example, I suppose it would pay for probably a couple of miles of highway—when one measures the assistance that it provides to the least fortunate members of our community in particular, it is money, taxpayers' money that is, very well spent. As far as I am concerned the provincial budget should if anything be increased in this very vital area, affecting as it does the fundamental rights of so many of our citizens.

There has been no increase in the tariff for Legal Aid, I think, since 1973 and there is no question but that the lawyers who are prepared to accept Legal Aid certificates are really making a significant contribution for the most part to the community as a whole. Because the financial returns that can be obtained from other sources of business are obviously of a much more lucrative nature. There has been no increase in the Legal Aid fee for a period of time and I'm certainly unable to give the legal profession any assurance at this time that there will be any increase in the immediate future.

There are two committees of the Law Society, Mr. Chairman, reviewing the Legal Aid tariffs, both in criminal and in civil matters, and those reviews are again being carried on not with simply a view to increasing the tariffs, but with a view to providing the most effective service to the public in the context of the money that is spent in this very important plan.

I cannot assist the member of Lakeshore at this point in time as to why there is the levelling out. But before I turn to this question of the levelling out or the apparent levelling out of the demands that are made on the Legal Aid Plan I would like to make one other comment in relation to some remarks that were made by the member for Lakeshore on Friday—and I think he repeated them very briefly this afternoon—and that is the participation of the members of the legal profession in this plan.

The member for Lakeshore made mention on Friday of some newspaper reports which indicated that the more senior members of the profession were reluctant to participate in the Legal Aid Plan, particularly in the criminal law aspect of the plan, because of the very modest returns. I would like to say to you, Mr. Chairman, to the members of the Legislature and to the members of the legal profession that if the legal profession ever forgets its fundamental responsibility to serve the least fortunate of the community

then in my view the legal profession will be turning its back on one of the most important aspects, and I would like to think one of the nobler, if not the noblest, aspects of the traditions of the legal profession in this province.

It does distress me to read that certain members of the profession are turning their backs on criminal cases simply because of the relatively modest tariff now available to them through Legal Aid. The member for Lakeshore and I both practised law for some years when the senior members of the legal profession, senior counsel, gave their time for no charge at all to some of the least fortunate members of their community who were faced with serious criminal charges.

Although I am not advocating a return to this free Legal Aid Plan, which wasn't satisfactory in many ways, I would just say that I hope that the legal profession, and particularly the senior members of the profession, do not fail to recognize the responsibilities in relation to serving the broader community and that they do not become pre-occupied with serving vested interests, simply because those vested interests are able to pay large retainers and large fees.

With respect to the apparent levelling out of the demands that are made on the Legal Aid system, I would say that it's too early to make any value judgement, Mr. Chairman, as to why there is this levelling off. There are a number of possible reasons, but I think it would be necessary for us to have some greater experience before guessing at the causes.

I should say to the members that we are in this ministry developing a new and hopefully better statistical system to analyse in a comprehensive fashion the statistics available in relation to the use of the plan in order to assist us to appreciate what is the cause of this levelling out. Certainly, in some ways, particularly in a time of budgetary restraints, I can say that the levelling off is certainly not an unwelcome happening. But at the same time we are concerned that the plan continue to serve the broadest, most apparent needs in the community and we will be monitoring it very carefully in this respect.

[3:45]

Mr. Nixon: I would like just to congratulate the Attorney General on his comments directed towards the senior members of the profession and his strong wishes that they not regulate the Legal Aid practice to those who perhaps might not have access to some of the more lucrative retainers. I think one of

the most serious criticisms is that with the system we have, the senior members of the practice may very well say: "This group in society is looked after by a program that is financed from public funds. Therefore I, as a senior member of the legal profession, need not concern myself as was once my professional and ethical requirement."

I think it's really a shame that has come about. We know that, as in many professions, there are probably enough lawyers and it is getting more and more a problem for young people attempting to enter the profession to do so. Comments have already been made in the House by my colleagues and others along these lines.

I would simply draw to the attention of the minister to perhaps the uninformed view of at least one citizen of this province that legal fees are becoming inordinately high and demanding. The lawyers do not have to suffer the same restrictions as the doctors who have found over the last few years that their incomes have been completely circumscribed and controlled by decisions and regulations of this House. I am not proposing we do that, but if it goes on as it has in the last two years, there will be an increasing demand from the community that some sort of rein or control on the level of legal fees be at least considered by this House.

Most of the people we are talking about do not have access to the Legal Aid program. They have the responsibility to pay their own bills. It is these people, not the ones who are paying over \$1,000 a day—that's usually left for the major municipal corporations, if not at least a few of the share capital corporations—who are paying the ordinary bills who have certainly found that this is an increasing and difficult situation for them.

I am not talking about the kind of bill that can go to taxation and be perhaps reduced because it is way out of line. The ones that are in line are the ones, I suppose, that are causing concern and leading people to feel that the lawyers are biting off too large a share of the provincial income and economy. I am expressing this as a view that I feel myself and that has been expressed to me by my constituents.

The practice of law in some of the smaller communities is very different than it is, let's say, in the heart of the capital here or in the other major centres. There are a lot of complaints about this and I wanted to bring them forward. I share very strongly the Attorney General's comments. We hope the senior members of the profession will not

disregard their time-honoured responsibility to represent all aspects of the community but will continue to accept those responsibilities.

Mr. Chairman: If there are no more comments on Legal Aid, I would remind the committee that they have already passed items 1, 2 and 3. Are there further questions now on item 4?

Item 4 agreed to.

On item 5, audit services:

Mr. Lawlor: This is the area where we find the defaulted fines and licence suspensions somewhat curiously handled by the Attorney General's department and by this administrative vote. It falls under here. There has been a tightening up and a collection of many millions of dollars in the last little while under this particular scheme.

I just want to rise to bring to the Attorney General's knowledge—he may have an intimation of it already—that this is done very often quite arbitrarily. The axe falls. Somebody gets picked up on a driving offence. They check through on the computers. They find there are unpaid fines. The whole bundle has to be paid on the spot. The person is in very serious difficulty and can even be put in jail in that situation. In any event, in the second step, even when he pays the fine, the speed with which the restitution of his licence is carried out has been a bone of contention and something of a running sore with a lot of people who came to see me.

What are you doing to tighten that up? If a fellow has a few parking offences that he hasn't paid for and he gets picked up on something else, how speedily may he now have his licence restored? Does it require his attendances down here at the Queen's Park complex in order to go from office to office, in order to bring that about?

Your computing situation wasn't working very well either, as between the office at which the fine is paid and the office at which restoration of licences is made. In other words, you wanted the money at all costs, but you were willing to put, to some degree, the victimized citizen to some trouble and expense. I know you're aware of the issue from last year, but what has been done over this last period of time?

Hon. Mr. McMurtry: I think some of the member for Lakeshore's concerns are quite justified. We are very seriously reviewing the whole concept of a central computerized system, which, of course, will involve the Ministry of Transportation and Communications in a very substantial manner. Right

now, Mr. Chairman, we're going through a process of not only rationalization but computerization of the system in order to avoid these delays and avoid these administrative hangups which do lead to some difficulty.

Certainly, what we've been able to accomplish so far on the defaulted fines licence suspension system would indicate that the money that has to be spent in order to establish a central computer in relation to this would be money well spent. We think that the actual returns will pay for the initial cost many times over in a very short period of time. I can assure the member that this is being very carefully reviewed right at this present time.

Mr. Nixon: Mr. Chairman, the member for Lakeshore has raised an interesting subject that I'd like to pursue just a bit. In the select committee on highway safety, on which I had the honour to serve, there was some indication that because of this situation there are residents of the province who are driving with as many as 30 or 40 fines that have been levied against them that have never been paid. The penalty of losing a driver's licence doesn't seem to be an effective one, since we are also told that at any one time in the province there are 60,000 people driving their cars without valid licences.

What is the answer to that? Even if the minister were to carry out the plan to correlate this situation with the rather elaborate computerized information that the Ministry of Transportation and Communications has, it might not, in fact, return as much as the minister expects.

Hon. Mr. McMurtry: A number of proposals have been made and I'm not in a position to assess the accuracy of these proposals, having certain very serious limitations myself, particularly when it comes to matters of accounting.

Mr. Nixon: Not by way of lost points.

Hon. Mr. McMurtry: Part of the problem is not so much the disdain or the lack of concern by individuals in relation to their driving privileges, but the difficulty of enforcing the suspensions, and if we had a more effective enforcement system, then I think this would help resolve the problem about which the member has just spoken. For example, we are seriously reviewing the whole concept of a plate-to-owner system, whereby the plate stays with the owner.

Mr. Nixon: Like a tattoo.

Hon. Mr. McMurtry: Yes, you might say like a tattoo. I can just see the headlines now: "Attorney General Recommends Tattoos On All Drivers of the Province." But that would

make it more visible insofar as the enforcement of driving while under suspension cases is concerned. Part of the whole system is a central computer system into which the information will be fed from the courts system and from MTC in order that the information may be fed out very quickly.

I think a plate-to-owner system would be of assistance. In the final analysis, a disregard of driving while under suspension penalties will have to be dealt with pretty severely, particularly if the suspension is a court-ordered one. A lot can be accomplished by the rationalization of the whole system by some central computer system and perhaps by instituting a plate-to-owner system.

Mr. Nixon: If we use the plate-to-owner system, would the Attorney General think it might be possible to register charges for moving vehicle infractions without stopping the vehicle?

Hon. Mr. McMurtry: That's a pretty difficult one. Obviously, with respect to municipal bylaws you have that now with parking fines. I would be very leery of any system that would deprive an individual from being in a position to make a full answer in defence of any charge against him.

Mr. Nixon: It wouldn't be a conviction. It would be a charge.

Hon. Mr. McMurtry: The question is you have to identify the incident in the motorist's mind? If you had some system whereby it was simply recorded by a police officer the driver of a certain automobile bearing licence plate such-and-such had committed an offence and then—

Mr. Nixon: But that would be the individual's licence number, not the car's licence.

Hon. Mr. McMurtry: That's right. But it may be a week or two later before that individual is aware of the fact he's being charged, for example, with going through a stop sign on such-and-such a date. It would make it very difficult for most individuals to honestly recall what happened. That's why I personally am somewhat sceptical about any system that would not involve identifying to the owner at least the allegation he has offended a provision of the Highway Traffic Act or is alleged to have committed some other offence.

Mr. Lawlor: How much money was brought in during the fiscal year under consideration?

Hon. Mr. McMurtry: I might have that in a moment, Mr. Chairman.

[4:00]

Mr. Lawlor: In the Attorney General's report he mentioned that the control centre

has been relocated in larger quarters. While those figures are being looked up, I would like to know where it has been relocated and why it was relocated. The final question is who is the best person to contact quickly if you are called by a constituent who is a truck driver who has been taken off the road and whose livelihood is dependent upon truck driving? Who would one phone quickly in your department? Could you also give me his telephone number, please?

Hon. Mr. McMurtry: Mr. Chairman, in response to the member for Lakeshore's questions, the defaulting fine control centre, which I thought had been visited by the member for Lakeshore, but perhaps not, has moved from the 14th floor to the fifth floor at 18 King Street East.

Mr. Lawlor: I have never gone down that far, Roy.

Hon. Mr. McMurtry: We moved, simply, because we needed a little more room. There are a number of people on the fifth floor who are involved in sorting this out, but if the member for Lakeshore or any other colleagues in the Legislature had any particular problems which could not be handled by the staff, Mr. Neundorf is the gentleman who is in charge of the defaulting fine control centre.

Mr. Reid: I want to ask one question. Of what do the audit services consist? Are these internal auditors within the ministry? Is that what it's for?

Hon. Mr. McMurtry: Yes.

Item 5 agreed to.

Mr. Lawlor: Did we get the sum of money involved?

Mr. Deputy Chairman: I think the minister indicated that he would get that for you at some future date. He didn't have it at the moment.

Item 6 agreed to.

Mr. Lawlor: Of course we expend a great deal of time on systems analysis. I'm sure the clarification of the point to be tremendous—Cyclops and its cousins, so to speak. One of the eyes being out and my eyes being not completely wide open—

Mr. Reid: And the other one looking inward.

Mr. Lawlor: —in the circumstances, we will let it go by.

Was the minister going to say something?

Hon. Mr. McMurtry: I was going to tell you the preliminary figure. I'm told that since April 1973 when we instituted the defaulting fine control centre and which we carried on

very modestly, fortunately, between that date and March or April 1977 we have collected some \$4.6 million in outstanding fines.

Mr. Lawlor: Mr. Chairman, that wasn't exactly my question.

Hon. Mr. McMurtry: No, I appreciate that, but I thought this would be some preliminary assistance.

Mr. Lawlor: Yes, it was very helpful thank you.

Vote 1302 agreed to.

On vote 1303, guardian and trustee services program; item 1, Official Guardian:

Mr. Reid: I wonder, Mr. Chairman, if I could ask one question that would encompass items 1, 2 and 3? The increases in amount are relatively substantial considering the amount of money that's available. Has there been a greater work load provided for the Official Guardian and the Public Trustee and the Supreme Court accountant to explain these increases in these budgetary items?

Hon. Mr. McMurtry: While I am waiting for some additional information, I know there have been increased demands made on the Official Guardian's services for the court system, specifically in relation to providing representation for children who are, for example, caught up in custody battles in our court system. To what extent that represents an increase in actual budget, it is hard to ascertain.

I may be able to have some more information for the hon. member for Rainy River in a moment, but in custody actions and in other disputes between husbands and wives where there are children, the traditional assumption was that the parents would naturally be concerned about the interests of their children even though they may disagree as to matters such as custody.

Until the last couple of years, it was very uncommon for a child of a marriage to have separate legal counsel, but there has been a greater recognition within the last two or three years in particular that, notwithstanding what the parents may believe, the interests of the children were not always well served by counsel attempting to represent the interests of the individual spouse. So the courts have been requesting the Official Guardian, with greater frequency in the last year in particular, to provide separate legal counsel for children caught up in this unhappy litigation.

As far as the Official Guardian is concerned, I am told that actually the comparative analysis between this current fiscal year and the last fiscal year represents very little in the

way of actual bodies. We are talking about an additional two articling law students and the rest is referable to salary revisions both for regular and unclassified staff. I am sure they would be delighted to have additional legal staff; I know they have made that request, but it hasn't been forthcoming at the present time.

I gather the comments that I have just made with relation to the Official Guardian's office would apply equally to the Public Trustee's office. There is a sum of \$250,000 additional in respect to the Public Trustee's office related to the computerization of that office. Any expenditure related to computerization, again in my view, is a very wise investment, because it is one area which does produce a revenue for the taxpayers of this province or their government from the Public Trustee's office having to deal with the administration of estates.

Mr. Reid: Under Supreme Court accountant's services, \$113,000. What is that? Is that also computer services, \$113,000?

Hon. Mr. McMurtry: I understand there is a cost of some \$60,000, a computerizing cost in relation to the Supreme Court accountant's office.

Mr. Reid: Is this an annual change?

Hon. Mr. McMurtry: No, these are very definitely capital costs.

Mr. Lawlor: I think we will take the vote as a whole, if we may, in an overall way and then come onto particular items. I wonder whether these three offices might not be given some external inspection or overseership. The Law Reform Commission looks at the courts generally, but it is my recollection it didn't particularly dwell upon or make recommendations about the specific operation of the Public Trustee or the Official Guardian or the Supreme Court accountant's office, it comes in incidentally. At this time, you are off onto the mechanical end of the thing, the use of computers in the office to speed up and to keep files. The work loads in each of the offices do significantly increase each year and each term, and you have made projections, for instance with respect to the Official Guardian. They are contained on page 31 of your notes on the estimates, if I may just pause there for a moment.

The new socialism has taken over and penetrated, I guess it is the only area in all of government in which it really does so. We have before us in these notes a three-year plan, a projection of what the work load in that particular office will be and what they are going to have to anticipate in this particular area for the Official Guardian. That

really shows the beginning of enlightenment as to the use of governmental operations. It shows 20,650 new matters and cases in the 1977-78 year, and projecting to 1980-81 it shows 24,700 on a shrewd, I take it, appraisal of what you have to face. That kind of projection is necessary in modern life and in contemporary government. It should be done in a far broader way than it has been. I would like to know the basis upon which this was developed.

Apart from that, on the first point I was making, is there in the Attorney General's mind any merit in suggesting with respect to the range of policy matters and with respect to the mechanisms too with which they are handled presently in these three offices, which I am sure have not been looked at intensively and from an external point of view for an awful long time, that it would be worthwhile at this particular time to streamline their own internal procedures?

You know their work load. The Official Guardian has about 61 people in complement and the Public Trustee about 155. That has remained constant. Obviously it is not going to remain so very much longer with the case-load accelerating on the basis of your own projections. I wonder whether it wouldn't be a wise thing to look at it.

Secondly, in the area of the Official Guardian, with the new family law coming into operation quite shortly I suspect—and what is your anticipation?—that the work load is going to be heavier rather than lighter because of the interpretations, and because of the operation of the whole family law package. It is not going to lift too many burdens. It makes things easier for people, which does not necessarily mean that it does so for those doing the administration, sometimes it is quite the opposite.

[4:15]

While people's interrelationships, those between spouses and children and dependants, are straightened out and clarified according to law, in the legal profession certainly, and I would suspect in the Official Guardian's office also, the actual dealing with this cases may expand the work load itself.

Those are two or three questions I would like the Attorney General to speak about.

Hon. Mr. McMurtry: Mr. Chairman, we like to think we monitor the operations of these three offices pretty carefully. In so far as any external view is concerned, both the offices of the Public Trustee and the offices of the Supreme Court accountant do have advisory committees. These advisory committees deal largely with matters related to in-

vestment, how to obtain the greatest return on moneys that are being maintained and paid into court on the one hand, and with respect to estates that are being administered by the Crown on the other hand. With respect to how we arrive at our projected figures, we are really looking on past experience. I think these increases really represent the upward movement of the graph and nothing more complicated than that.

I don't think there is any doubt but that in relation to the general counsel work or in relation to child representation in custody and access matters, you'll note we predict a fairly significant change there, for a number of reasons. One major reason, the fundamental reason, is the issue of child representation. I brought a committee into being at the beginning of the year in relation to child representation in our provincial courts. The member for Lakeshore will recall that this committee, under the chairmanship of Professor Derek Mendes da Costa, reported in the late spring. The report was widely received as a very useful document.

I have suggested to the committee that it expand its terms of reference and look at child representation in the court system generally insofar as civil matters are concerned. Of course the legal aid system generally looks after the matter of court representation for children over the age of 16, but we're also looking at the issue of child representation with respect to juvenile delinquent matters. So it may be that the figure of 700 over 400 is not a totally realistic figure.

We expect with respect to matrimonial causes that the unified family court and the family law reform legislation will provide greater access to the court on the one hand, and when you bring in needed reform on the other hand it's likely an increasing number of the citizens will wish to assert these new rights. It may be that the increase in matrimonial causes is also a very cautious estimate; I wouldn't be surprised if it was higher.

Mr. Lawlor: Does the Official Guardian bring in any moneys that can be placed in the consolidated revenue fund of the province?

Hon. Mr. McMurtry: No, we don't generate any revenue through the Official Guardian's office. There is money collected with respect to the reports done by the Children's Aid Society, but this money is simply paid out again to the Children's Aid Society preparing these reports concerning children who are involved in matrimonial causes.

Mr. Lawlor: Then in the next vote, with the Public Trustee, he does I think you will agree with me.

What escheats to the Crown have we had in the last year? What is the dollar value, if any?

Hon. Mr. McMurtry: We are looking for this figure, Mr. Chairman. So far as escheat matters are concerned, these are paid out on an ongoing basis to consolidated revenue. I am trying to find out what separate figures we keep in relation to escheats as opposed to administration of estates.

Mr. Lawlor: It is kind of interesting to take a look at page 34 of the 1975-76 annual report. I suppose I may have a more recent one. Page 34 talks about earnings, expenses, fees and patients' estates as of March 31, 1976. It talks about Crown estates of \$394,222, which go into special trusts, cemetery trusts and that sort of thing. I want to dwell around that just for a few moments—

Hon. Mr. McMurtry: I am sorry; in the Public Trustee's report for the year ended March 31, 1977, we have the figure of probable escheats for that fiscal period as \$7.6 million—plus. I am sorry; the other question was what, Mr. Chairman? Perhaps the member wouldn't mind repeating it.

Mr. Lawlor: Incidentally, Mr. Chairman, this came onto my desk this morning, the report and financial statement of the Public Trustee. Where is this figure set forth, what page?

Hon. Mr. McMurtry: Page four.

Mr. Lawlor: Oh yes; it's set apart as a separate and distinct matter over and against your report touching on the Public Trustee. What are Crown estates?

Hon. Mr. McMurtry: Mr. Chairman, I am having a little difficulty in my own mind separating out what is represented in Crown estates as opposed to escheats, so it goes without saying it is a very good question. I will try and have the information from our accounting staff that will delineate what falls into one and what falls into the other.

Mr. Lawlor: No doubt you are going to have to do this under this heading too.

Hon. Mr. McMurtry: Just before I forget, Mr. Chairman, there is a Crown Administration of Estates Act and section 1 states: "Where in the case of a person dying intestate or intestate as to some part of his estate it appears in respect of the interest of Her Majesty administration may be rightfully granted to her nominee, a competent court, upon application of the Public Trustee,

may grant administration to the Public Trustee for the use and benefit of Her Majesty."

Mr. Lawlor: In the 1977 fiscal year Her Majesty picked up, I take it, in the consolidated revenue fund of this province, \$11 million-plus under this particular heading. Would that be correct?

Hon. Mr. McMurtry: Yes, that would be correct.

Mr. Lawlor: Why the special trust? What was the range of those trusts? What do they have to do with? In that case we earn, or pick up or steal or whatever it is we do, \$9,700,000.

Hon. Mr. McMurtry: Mr. Chairman, that is where the Public Trustee is asked to administer an estate by agreement, and I understand that in those cases the role of the Public Trustee is not much different than that of a private trustee or a private trust company.

Mr. Lawlor: That's interesting, isn't it? You mean, that private individuals on occasion, for some reason, rather than go to a trust company go to the Public Trustee's office and he will handle the administration? Is that so?

Hon. Mr. McMurtry: Yes. It is really a service provided to the public in cases where the private trust companies simply aren't interested. Usually the amounts may be relatively small and the Public Trustee's office does it, not with enormous enthusiasm because it adds quite a burden, but it does it and does it for a fee.

Mr. Reid: What is the fee?

Hon. Mr. McMurtry: There is a whole tariff in relation to the fee.

Mr. Lawlor: Just to comment on that, it's interesting, because in the committee in which you are now a member, the corporate law committee, when they were doing work on trust corporations and loan companies, but trust corporations primarily, that was one of the sore points.

It came up time after time that there were any number of rather small estates which the established trust corporations were not prepared nor anxious, to say the least, to touch. As a matter of fact, they set restrictions upon the size of an estate on which they were willing to deal, and the restriction had a pretty high floor. I forget what the figure was so I won't try and quote it.

A number of us, particularly lawyers, of course—that scavenging crowd, in Mr. Nixon's putative bad sense—a number of us thought it would be a very good thing that we should leave this body on some occasion to set up a

firm handling that kind of estate exclusively, because the legal fee is out of line, we felt, with respect to the work done.

[4:30]

If you set up some kind of an Americanized factory to handle these, people could be highly trained to do the thing rather expeditiously. It would be an enormous relief for a large number of the population. I'm surprised and even gratified to learn the Public Trustees presently, as you say grudgingly, perform the function. But there's a whole field to be tilled in this particular regard. I'm sure it would be a very lucrative field if you concentrated and became known, got a reputation and did nothing else. So I offer to all the expatriate lawyers sitting around here doing nothing, this might offer them a splendid new opportunity and a lease on life, which lord knows they not only need but deserve.

On the Indian trusts situation, it's not mentioned, again, as a separate item. What is involved in his handling of the Indian trust? Where does the money come from? Is he the investor, this investment committee of which you speak operating in this particular matter, and what is the derivation? Is their interest rate six per cent or as in infant's estate nine per cent; or is there any specific sum earned on the moneys involved?

Hon. Mr. McMurtry: I don't have that information right now, Mr. Chairman. It might be a few moments before we can obtain it.

Mr. Lawlor: It's okay, I simply ask because it would gladden the heart of my colleague, Mr. Renwick, who takes a very great interest in all treaty arrangements, reaching right back from the very beginning with respect to trusts affecting the Indian peoples of this province. I don't suppose that item has ever really been looked into in previous years.

I just have a few more remarks, I think, with respect to the accountant of the Supreme Court of Ontario.

Mr. Deputy Chairman: May I ask the member's indulgence? Can we finish these items before we move to item 3? Shall we finish the other items first? There may be some other discussion.

Mr. Lawlor: Except for the answer to the question hanging over I would expect to receive it in due course, thank you.

Items 1 and 2 agreed to.

On item 3, Supreme Court accountant:

Mr. Lawlor: I mentioned a moment ago the rate of interest on the money paid into the Supreme Court in various forms of litigation.

I'd be interested in knowing how much money is at present being held by the court in toto. I mean the interest revenue in your book, here at 29 in the portfolio, increased from \$6.7 million to \$8.5 million for fiscal year 1975. It must be very considerable now; so I would like to know the interest rate, the amount of money in court, as well as the picture of what has been paid out in the past fiscal year, leaving the balance.

Hon. Mr. McMurtry: The hon. member knows the rate in respect to infants' funds is nine per cent. With respect to the interest rate generally, I understand it's broken down between permanent funds and temporary funds. The permanent funds would be moneys paid; in relation to infants' funds nine per cent, and for the temporary funds the figure is six per cent, compounded semi-annually on a minimum monthly balance.

Mr. Lawlor: Are the infants' funds the only permanent funds or are there funds for mentally ill people?

Hon. Mr. McMurtry: I can't think of any other funds at the moment. Mentally ill would be dealt with by the Public Trustee.

Mr. Lawlor: I appreciate what you're saying, but moneys might come in through the court, so wouldn't the same argument apply? For the infants' fund, of course, the Official Guardian would be involved on a permanent basis, and for people in mental hospitals there would be the Public Trustee. They are apparently getting six per cent and not nine per cent, and you say the difference is based on the permanent-temporary distinction. I think it's predictable that there are many people in mental hospitals who will be there rather indefinitely; and while one well understands the condition with respect to infants—I suppose it depends upon their age level; they're obviously infants until they cease to be so, which is a kind of permanent condition I suppose. I don't want to make any jokes about that, but I would like to be straightened out as to what categories people fall into with respect to the nine per cent.

Hon. Mr. McMurtry: Under the Public Trustee, the interest rate on funds being invested is, I'm told, seven per cent so far as patients' estates are concerned.

Mr. Lawlor: Right.

Mr. Deputy Chairman: Is there anything further on item 3?

Mr. Lawlor: I still haven't got my answer. The Public Trustee is seven per cent; all right, I suppose that takes the whole range; and the nine per cent applies to infants only. Is that correct?

Hon. Mr. McMurtry: Yes.

Mr. Lawlor: And anyone else gets six?

Hon. Mr. McMurtry: Yes.

Mr. Lawlor: Thank you.

Item 3 agreed to.

Vote 1303 agreed to.

On vote 1304, Crown legal services program; item 1, criminal law division:

Mr. Lawlor: I have no questions, but I think I should say a word about the whole Crown attorney and assistant Crown attorney set-up in the province of Ontario. It's remarkable how little criticism that group gets; because it's handling a wide diversity of cases every day of the week under very obnoxious circumstances. I suppose the Attorney General would prefer that we keep our remarks about the court overloads and the court set-up as things presently stand to the next vote rather than launching upon it here. Perhaps it's not quite as pertinent in this place as in the following vote. Is that his feeling?

Hon. Mr. McMurtry: I'd certainly be just as happy to deal with it under the one heading; but, again, I'm in the committee's hands in this respect, because certain initiatives we are taking with respect to the Crown attorney system are very much related to the handling of the court backlogs.

Mr. Lawlor: I think if that's the case, we should discuss it now and hear what those initiatives are specifically as affecting the Crown attorneys.

Hon. Mr. McMurtry: What we are attempting to do is implement policy throughout the Crown attorney system which will be geared to making the most effective use of the court time. What we do in any particular area depends on the particular problems in that area.

As an overall policy of communicating policies to the Crown attorney system more effectively in this area, and in other areas, we have regionalized the province and have a senior Crown attorney in charge of each one of the regions of the province, which involves some eight different regions. This serves a twofold purpose of assisting the communication of policy from the ministry into the field, as it were; and of course giving less experienced or relatively inexperienced Crown attorneys the advantage of the advice of a regional Crown attorney, who has had considerable experience, or he or she would not have been chosen. These regional Crown attorneys meet at least once a month, and often twice a month, in Toronto at the ministry, 18 King Street East. Certain

of our policies are related to dealing more effectively with cases in the courts.

As you know, during the past two years in Metropolitan Toronto we have been attempting to decentralize the Crown attorney system to create greater local autonomy in certain of the boroughs, more specifically Scarborough, North York, Etobicoke and the city of Toronto. Up until the present time, and this has changed since we got started in Etobicoke, we have had all the Crown attorneys, really, operating out of University Avenue; this was the situation. There are now some 60 Crown attorneys, as compared to some eight Crown attorneys when I first started to practise in the courts.

What we're trying to do by decentralizing the court system in Metropolitan Toronto, in creating greater local autonomy, is to create a better and more effective access to the courts by members of the public, including police officers. It will mean that individual Crown attorneys will become seized of important cases at an earlier date. If they familiarize themselves with the cases for which they're responsible at an earlier date, we hope that this in many cases will shorten the case. First of all it will give them an opportunity to withdraw charges which are improperly laid or for which there is not a reasonable amount of evidence on which to prosecute. Also, it will help them to better prepare their cases. It's been our experience that better prepared cases take less time in court.

Thirdly, they will be more accessible to the public generally—and that may involve citizens who are key witnesses, and more particularly defence counsel who will wish to discuss a case with a Crown attorney before it's disposed of.

I'm talking here, of course, of the provincial courts. As you know, well over 90 per cent of quasi-criminal cases are disposed of in the provincial courts. I know the member for Lakeshore's own experience and the experience of the member for York Centre (Mr. Stong) will tell them that many Crown attorneys are familiarizing themselves with a particular case for only a few minutes before court commences. We believe this does not lead to a wise utilization of the court's time, so the decentralization of the court system will provide a greater accessibility of defence counsel to Crown counsel who are seized with particular cases; and as a result everybody will benefit from the process.

[4:45]

In certain areas it means there will be pre-trial discussions, which will lead to the shortening of the case and the avoidance of calling unnecessary witnesses. This again will make for better utilization of the courts; as well as better utilization of police resources, avoiding the need to have police officers sitting around, for days on end sometimes, when their evidence really isn't that essential. It will also be just as important for the citizens as a whole who are witnesses in criminal prosecutions.

The regionalization of the Crown attorney system in the province and the decentralization of the very large Crown attorney's office in Metropolitan Toronto by breaking it down into smaller units under the Crown attorney, will provide a better flow of information going both out into the system and from the system to 18 King Street East. In this manner we hope to provide a better and more effective Crown attorney system in the interests of the public.

Mr. Lawlor: The increase in the sums of money involved is from \$10.2 million to \$12.2 million. I believe, and I want you to confirm this, that there have been 21 new assistant Crown attorneys appointed under this particular vote. That's a question of statistics. As between plea bargaining on the one side, and pre-trial discovery if you want to call it that, or pre-trial conferences on the other, which you are trying to bring in, I hope the emphasis is on the latter and not the former.

I think there is a role and a place for plea bargaining with respect to offences, not just to expedite the system with its backlogs but to work out somewhat quietly what could be possibly the best solution, which can conceivably get lost in the courtroom itself. There should be the pre-understanding that there are points in evidence, character, background and a number of things, which have to be gone into in a courtroom under fairly strict rules. Very often in ticklish situations matters can be brought to the attention of an intelligent Crown as a part of the picture of the best disposition of this particular person's case. While I think it has to be brought before the court and the main points made in the presence of a judge, at the same time it's a question of tone and approach to the matters in question. The pre-trial conference is the new rabbit at the bottom of the hat. We reach in, all of us, reach deep down into the sack and hope to catch it by the ears, but the creature may shat on you in the process too.

Mr. Nixon: Shat?

Hon. B. Stephenson: What tense is that?

Mr. Nixon: Past perfect.

Mr. Lewis: It is not the tense which is important, it is the verb.

Mr. Lawlor: I wonder if you have ever sent anybody down to look at the way they operate pre-trial conferences in the United States, both in civil and criminal. There is some literature I have looked at on the subject that says the pre-conference is just another blockade, just another obstacle, another delaying thing misused by lawyers in order to extract information which they otherwise wouldn't get and use to their advantage at some subsequent stage; in other words to undermine and subvert the whole process on pre-trial.

Mr. Stong: You don't believe that.

Mr. Lawlor: The pre-trial thing has to be very nicely scrutinized; its guiding rules, the criteria, have to be worked out with some finesse, I suspect.

Have you done that? Is it in the works? Do you feel that what I say about it lending itself very easily to misuse is certainly a truth, which I trust doesn't become a truism as it develops?

It is a desperate effort to clear the ground for trial. In many cases they need not go at all; or if they go the main issues are cleared out and pointed, all the secondary stuff is hopefully eliminated. But is that necessarily the case; are we not possibly creating another monster to trip us up? If you look at your statistics that you supplied on Friday, it's gaining all the way along the line, the overburden of cases in the courts. Have you any real reason to believe that pre-trial is going to help you a great deal?

Hon. Mr. McMurtry: Yes, we certainly believe so. I don't like to use the expression plea bargaining, because I think it tends to suggest that pre-trial discussions are affected by concepts that might be more appropriate to the marketplace than to the courts of justice in this province. So we talk about plea discussions. We are very concerned that any pre-trial discussions that may lead to plea discussions are carried out in a context that serves the public interest at all times.

Several years ago or more, as the hon. member for Lakeshore knows, my predecessor, the Hon. Dalton Bales, sent out a very carefully worked out set of guidelines in relation to these plea discussions. For my part, I added to them and perhaps clarified them to some extent. But fundamental to the guidelines that were sent out by Mr. Bales and myself were a number of things stating

that at all times the public interest must be served and that plea discussions are not to be motivated simply to expedite a case by reason of considerations related to heavy work loads. In other words: "My God we have got a lot of cases here; how are we ever going to get through the lists"; so therefore we work out a few pleas just because of the heavy court backlog. Certainly our instructions are that that is not a factor to consider in arriving at a plea discussion.

I think what I attempted to make clear, what I added to the excellent guidelines that had been prepared by Mr. Bales, was that the public was to be informed as to the reasons for accepting a lesser plea. This is often done in murder cases and rape cases; reducing them to manslaughter and indecent assault, for example, in order that the public might know the reasons for accepting a plea to the lesser offence.

It is not always possible to carry on these discussions, of course, in open court. There may be extraneous considerations which have occurred from time to time related to the health of the individual, such as accused persons who may have terminal illness. It may not be in their interests for them to be aware of that themselves. But generally speaking, we are concerned that the public be informed as to why lesser pleas are accepted. I think those guidelines probably have been tabled in this House. They've certainly been referred to on other occasions.

With respect to the number of Crown attorneys, there certainly has been a fairly significant increase in complement in recent years, which of course is very much related to the increase in the case-load. I have some figures that indicate what the increase was in the case-load of criminal code offences between the years 1971 and 1976. It's an incredible increase in many areas.

In some areas the case-load has increased fairly modestly, but in most areas of the province it has increased very dramatically during that period of time. In the county of Peel, for example, the case-load has increased almost 100 per cent in those five years. In Lennox and Addington it has increased 331 per cent. Thunder Bay's has increased, in the five years, 106 per cent. The member for Rainy River (Mr. Reid) would be interested to know that Rainy River's increase has been 145 per cent during those five years. Middlesex is up 146 per cent.

Mr. Lawlor: Is that broken down as to offences?

Hon. Mr. McMurtry: Just criminal code cases as opposed to provincial statutes. Much of this increase is related to the increase in

police personnel. Certainly there are statistics that indicate that every additional police officer is capable of introducing a fairly significant number of cases into the court system in any one year, a very large number.

Mr. Lawlor: He generates them by himself, so to speak.

Hon. Mr. McMurtry: Yes, that's right. Now case-load is a major factor in determining the need—

Mr. Cassidy: It is like saying the cops need robbers in order to survive.

Mr. Lawlor: Obviously the answer has to be cut down on the number of police. A queer solution.

Hon. Mr. McMurtry: While case-load is a significant factor in determining the increase in the complement, we also have to consider facts such as geography, particularly in the large geographical areas of northern Ontario where one Crown attorney may have to cover many thousands of square miles and the various courts.

Mr. Cassidy: You would have no crime at all up there if you pulled out the OPP.

Hon. Mr. McMurtry: What we have attempted to do is look at the individual annual criminal case-load for any individual office; we divide the total annual criminal case-load for that office by the number of professional members of the staff. This does give us some guidance, but guidance only. We don't pretend that it gives us a total picture, because we're very concerned about quality of service as well as volume.

It's been necessary for us to resort to a large numbers of part-time assistant Crown attorneys. Quite frankly, I'd like to reverse that trend and go back to more full-time Crown attorneys, because we believe the Crown attorney system is not only a good one but will be best served by individuals who have a full-time commitment to the system.

I'd like to endorse the remarks in that respect that were made by the member for Lakeshore at the opening of this vote, when he commented on the fact there are relatively few complaints about the conduct of Crown attorneys in the province. When one considers the enormous volume of cases for which these Crown attorneys are responsible, that are handled by these Crown attorneys, the actual number of complaints is remarkably few. I think that's to their great credit. They of course are all working on salaries that in most cases represent less than what they could earn in private practice. By and large they are very committed to public service.

[5:00]

Mr. Stong: I have a few questions, but perhaps I can deal with the last item the Attorney General dealt with first, and that is with respect to the increase of cases before the court and the need for more Crown attorneys.

I am wondering how he compiles the statistics to which he referred. Is he referring to the number of charges or is he referring to individual persons appearing before the court? He knows, as well as I do, that often times charges are doubled, tripled, and sometimes there are four charges arising out of the same circumstances, the same occurrence. I asked the Solicitor General (Mr. MacBeth) how these statistics were compiled and he was not able to give me assistance in that regard. I am wondering if the Attorney General can throw any light on this issue. Is he talking about charges before the court or is he talking about persons charged before the court?

Hon. Mr. McMurtry: They are related to charges before the courts, Mr. Chairman, and in that respect I would hasten to add that, again, they are not the total picture, because one of our concerns is that of the police laying multiple charges in relation to a particular individual. This is another reason we are trying to communicate more effectively through the Crown attorney system, particularly in Toronto; to make the individual Crown attorneys more accessible to police officers who need guidance from time to time in relation to the laying of these charges, to avoid, where possible, multiplicity of charges, which often results simply because a police officer does not have access to a Crown attorney and doesn't really know quite the right charge to lay in order to protect the public interest and perhaps adopts a bit of a shot-gun approach. It may be that individual police officers from time to time are laying a multiplicity of charges for other reasons, but that allegation has been made and perhaps in certain cases is justified. However, this is another reason why we want to have greater accessibility to Crown attorneys by police officers in order to straighten out some of these matters.

Mr. Stong: Mr. Chairman, I find that commendable, because it seems to me that police officers are definitely in need of guidance by qualified lawyers who are particularly familiar with the workings of the Criminal Code.

Hon. Mr. McMurtry: Your colleague probably doesn't agree with you.

Mr. Stong: I refer to the situation of the impaired driver. I understand there was a directive from your office, I stand to be

corrected on this, but I am advised that in each event where an individual is charged or suspected of impaired driving, not only is an impaired driving charge laid but a charge of driving in excess of 0.08; there are two charges. That doubles the statistics, indicates an increase in crime; so there is a fallacy there, in my respectful submission.

Another thing I understand is that a directive came out of the office that in the event a person who refuses to render a breath sample and subsequently comes to court, the Crown attorney must proceed with both charges. In the event the accused is convicted, out of the same set circumstances for driving impaired—and he ought not to be driving impaired, there is no doubt about that—but he is also charged with refusing to render a breath sample, and the consequences visited upon him as a result of that conviction are exactly the same as those under the conviction for impaired driving, exactly the same, only the Ministry of Transportation and Communications, I am advised, looks at the situation and regards it as two independent charges, and therefore the licence suspension, which is mandatory, is doubled.

I am concerned because I am receiving conflicting reports about this. It seems to me that those who have suffered this fate have lost their licences for six months instead of the three months which is usual for a first offender, because if a person is convicted of impaired driving and refusing to render a breath sample his licence is lost on a mandatory basis for three months in each case, and some have lost their licences for six months. That works a severe hardship on a person who drives a truck, and albeit he ought not to have been driving in that condition, that is not part of the argument. We agree he ought not to have been driving, ought not to have been driving in an impaired condition, but it does seem to be duplication and an unnecessary hardship in terms of sentence if that individual, because of the requirements to proceed on two charges pursuant to a directive from your office, undergoes a penalty which is more than another individual who does render a breath sample. I wonder if you could give us some guidance with respect to a directive from your ministry on that issue.

Hon. Mr. McMurtry: Dealing first with the laying of both impaired driving and over 0.08 charges, I understand that policy is presently under review. There is a greater degree of flexibility now than there was perhaps a year ago.

In relation to the laying of a charge for refusing to take a breathalyser test and impaired driving, the policy does remain, as the member quite correctly points out, to proceed with both charges. It is our view they are two separate and distinct charges.

Obviously the purpose of the compulsory breathalyser test was to discourage people from drinking to excess and driving. There was a great deal of debate in the provincial Parliament as to the wisdom or fairness of imposing this form of what was described during that debate as self-incrimination, but it was the decision of the federal parliamentarians that the interest of highway safety required these mandatory breath tests.

It is our view that if we simply take the position we are not going to proceed with the charge on the refusal to take a breathalyser test, it will become known if you get charged with both you plead guilty to the impaired and they will drop the refusal. It is our view and the view of the police this could only serve to encourage more people to refuse to take the breathalyser test, which would be contrary to the purpose for which that section was passed.

Mr. Stong: I agree with the Attorney General these tests ought to be compulsory. As a matter of fact, I believe the compulsory aspect of these tests should be extended. If your ministry would give directives to the police force to get out there and conduct more spot checks, we probably would not need to raise the drinking age; however, that is another argument. All I am saying is I endorse compulsory tests and do not object to the fact that charge be proceeded with in court with its consequential penalty. However, I asked the minister to direct his attention to mandatory licence suspension, because in those cases a first offender loses his licence for six months, as I understand it, instead of three. It would seem to me the consequence visited upon an individual who is convicted of that charge is probably more oppressive and works a greater hardship on, say a person who drives a truck or a person who lives in the country and has to drive into town for groceries.

The mandatory suspension of a licence does not regard the circumstances of the individual offender. When a person chooses to break the law the consequences must be visited upon him, but those consequences ought not to be unduly harsh. It seems to me for a first offender to lose his licence for six months is undue in these circumstances. Could you give some light on whether that is a policy generally emanating from your ministry with respect to mandatory licence suspension?

Hon. Mr. McMurtry: My first response would have some application to the issue of whether it's fair to impose on a first offender convicted of refusal to take a breathalyser test and impaired driving a minimum of six months mandatory suspension when there hasn't been any accident. I think the member knows that if there is an accident it would be a mandatory six months suspension in any event.

I can't really state I'm particularly unhappy about that because of my concern, which I know is shared almost totally by the member for York Centre, about the seriousness of alcohol abuse on the highway.

The debate on the amendment to the Highway Traffic Act, you'll recall, gave our provincial judges the power to increase the minimum period of suspension. When the federal government got out of that business, we got into this debate as a result of the controversy that surrounded intermittent driving privileges. The federal government decided to withdraw from that field and removed the power of provincial court judges to increase the minimum mandatory suspension period.

I know during that debate it was suggested by some members of the Legislature that we consider provincial legislation that would remove some of the harsh results which occurred when people were faced with mandatory driving suspensions, whether they be three months or six months. This may be a matter of debate in the future.

I recognize the fact it's a tougher penalty perhaps, for one person than for his neighbour who doesn't require an automobile to earn a living, but I still am of the view that we have to retain a very tough posture in this area because of the carnage on the highways as a result of alcohol-related driving offences.

It's a matter of what the policy initially is. It's in the Highway Traffic Act, so it should be a policy of the Ministry of Transportation and Communications in so far as these consecutive driving suspensions are concerned. Rather than simply saying this is a question that should be asked of the Minister of Transportation and Communications, I'm expressing my personal view. However, the minimum mandatory suspension really is provided by the Highway Traffic Act and the provincial court judges have no discretion in that respect, as the member for York Centre well knows.

Mr. Stong: I agree the Attorney General should clamp down on those who are driving and drinking. I think it's been needed for a long time and we're finally getting it be-

cause of the carnage that we hear about on highway traffic reports. There's absolutely no argument there.

What I am saying is this, that I'm glad to hear you're thinking of greater flexibility in the case of a person who is charged with impaired driving, in excess of 0.08. I assume from what you're saying is that a directive will emanate from your ministry to police officers saying "You do not have to lay both charges; you can lay only one." I haven't seen that in effect yet, but if that's what you're planning, I think that's a good step.

[5:15]

I am referring to a driver who is obviously impaired causing an accident and who is charged with impaired driving and in excess of 0.08 out of the same occurrence. He goes to court. He's convicted of the impaired charge. The in excess charge is ordinarily withdrawn. It's almost as if it's mandatory, although it's not; in practice, it is withdrawn.

He's a transport driver coming home from a wedding and he's driving at a time when he's not even involved in his daily work routine. He ought not to have been driving, no doubt about that. He should have used prudence, he should have known enough not to get behind his wheel; but he did, he made a mistake. He goes to court and he's convicted of impaired driving. He loses his licence for six months because there was an accident. He's a first offender, and the in excess charge is withdrawn.

If that same driver, because of the fact that he is a transport driver, for whatever reason, decides not to give a breath sample; when he goes to court he's tried on both charges. I'm not even saying he shouldn't be tried on both charges, because they are two occurrences and there is a reason for the Criminal Code creating a penalty for not rendering a breath sample, but out of the same set of circumstances that same man loses his licence for one year because of the mandatory provisions of the Highway Traffic Act, which are so imposed that they are consecutive; and these consecutive mandatory suspensions are imposed because of a directive from your ministry saying both these offences must be treated as separate. If there is no accident he loses his licence for six months total when ordinarily he would have lost it only for three months.

I understand your position, but it is in this respect that I take issue; sure he should be tried on both offences and fined, but he should not lose his licence under both offences pursuant to a directive from your ministry. Why can that not be regarded as a

continuing or a same-occurrence offence so that the driver will lose his licence for three months rather than six, or for six rather than for one year under the same circumstances?

I am advised that people who have lost their licences on both those offences lose them for a consecutive time as opposed to a concurrent time. Now no one in society is affected by him refusing to blow into the balloon; he's still convicted of the impaired driving charge and loses his licence; why must he lose his licence pursuant to a directive from your office indicating that they are separate offences? Why must they be treated, in relation to loss of licence, as consecutive offences in the event of a first offender? That's my point.

I'm not saying you shouldn't prosecute him on the second offence. All I say, with respect to licence and the licence alone, surely a directive can come out from your ministry communicating with the Ministry of Transportation and Communications and indicating they may treat this as one offence rather than two in a given set of circumstances.

Hon. Mr. McMurtry: I can't tell the Ministry of Transportation and Communications to treat it as one offence when we're treating it as two offences. If the Ministry of Transportation and Communications wish to review the matter, and I'm quite happy to take it up with the minister; it may be decided in those circumstances the Highway Traffic Act should be amended to provide for only one period of suspension when you're dealing with a same occurrence and then that could be written into the Highway Traffic Act.

I'll certainly be happy to bring your concern to the Minister of Transportation and Communications (Mr. Snow). I'm being quite frank in saying that I'm not sure I agree with it. I think your point is well made and I'm quite happy to discuss it with my colleague, who is fairly close by when he's here.

Mr. Stong: I appreciate very much that you would do that. It seems to me that's an area that can be tightened up, and I appreciate your remarks.

There are a couple of other matters that I would like to—

Mr. Lawlor: Can I say a word on this?

Mr. Stong: I'm not finished. However, rather than go to a new point, I'm prepared to let the member for Lakeshore make his observations.

Mr. Lawlor: I want to back you up on that a bit, and probably go further on it and make a sort of plea from the opposition benches to you precisely to get in touch

with the Minister of Transportation and Communications in this particular regard.

I take a slightly different position from that of the member for York Centre on this. How did this thing start historically? Historically, the charge of ability impaired with drug or alcohol was a reasonable charge. They found a number of people were frustrating that particular section by not breathing properly, holding their breath, breathing through their nose and doing any other number of things in order to escape the breathalyser test. Subsequently, the wise people in Ottawa came to the conclusion they had to pass a special section saying—and this is quite a bit subsequently—that if they refused the test, then they were equally liable whether they took it or didn't take it. The very fact of refusing it kind of blocked out that thing.

If you follow it through historically, and I suspect logically, your business of laying two charges and insisting upon both is absurd. It's the simplest thing in the world, with no defence to it whatsoever. However difficult it is to defend impaired, it is totally impossible to defend the fact he didn't take the test. It's a fact. If he said no, or he frustrated the test and evidence is so given, then that's it. The penalty is precisely the same as though he were over the 0.08.

If for some reason he felt he was perhaps on the borderline, or as more of them do felt he was quite safe, but nevertheless didn't want to test the full possibilities of the situation and the path of greatest wisdom was not to take the test; if he felt that was the particular case then he was frustrated in that because of the new section. All right, so he's hit with it.

He may not have been over and his driving may not, and the other tests they give you, finger-to-nose and what not, may be in accord with it; but the fact he didn't take it is final and conclusive. That's the end of the road and he suffers the full consequences.

For a Crown attorney to come along after that and proceed with the impaired strikes me is not the intent of the legislation. It was not what it was designed to do. You are being highly legalistic because you have two sections in the book.

Let me say something very general about all this, this business of laying multiple charges. If you're going to set up plea discussions or the kind of pre-trial conferences of which you speak, that should be all cleared up. There are all kinds of charges, there is every charge in the book within

these particular dimensions; it helps to increase the statistics, it raises the pay, increases the force, makes the chief feel like a terribly important potentate—there is a whole host of ramifications there, and it also ties up the courts.

Part of the reason for plea discussion would be to clear out those charges—particularly in the conspiracy area. Is that ever a sweet little charge just to throw in? In a conspiracy you can bring in a very broad band. You can lay charges against 16 people, whereas previously you were only able to charge maybe two or three. With conspiracy it's great stuff, you can cover the whole waterfront and all kinds of people get involved. Sure at trial the charges will be dropped one by one; but there they are, all in the crime statistics. The fact is they can't prove there were actual conspiratorial relations, although it's much easier on the rules of evidence to catch someone in the net of conspiracy than it is individually to be able to stigmatize them with a crime.

Leaving that aside, though, I'm asking you, on your own hook, with respect to the laying of charges and proceeding, that you instruct—well I know you don't like to do that, but send out some kind of advice on what I understood was the practice, to indicate that both charges not be proceeded with and that it should be one or the other.

The second thing, speak through that committee of justice to the responsible minister on what is merely an administrative task as far as he's concerned, to indicate that you don't double the penalty in that particular context.

I think it is quite iniquitous on the part of the Crown to push for a double penalty, extending it to 12 months when in normal circumstances, certainly up until fairly recently, it has only been six.

I mean employment is lost in this province. One doesn't condone drinking and driving, but one also has to be cognizant of the consequences. Those consequences need be no greater than is absolutely necessary to teach a good lesson to the individual involved. Doubling the penalty is twice punishing, or almost double jeopardy in this particular situation as against the benefits.

The lesson is well learned, let me tell you, in the six months in the normal case. It is even well learned in the first 10 days, but this punitive vein runs through this province and even into the bloodstream of the various Attorneys General I have seen in this House—not so much the Attorneys General but I have seen various Ministers of

Transportation and Communications who are real clinkers, let me tell you, and who would put the whole province in chains if they had their way, because they think that everyone is incipiently an assassin of some kind.

Anyway, that's the way I look upon these ministers. So do say a word to them and make some human being a little less miserable; not that you are going to make anybody happy.

Mr. Cunningham: Mr. Chairman, that's a tough act to follow, and one of those remarks I endorse. I want to raise two points in the estimates right now. One is the inconsistency that I think occurs possibly across the province with regard to the plea bargaining associated with impaired charges and the breathalyser charge itself. I only raise this for your benefit, Mr. Minister, in the hope we will get some consistency across the province.

We only need to look at the penalties that are imposed in places like Brockville, and places like that where it appears that justice is not being applied in a fair and equitable fashion for every citizen in the province. I would hope that it wouldn't make any difference where you live or whom you know in this province, that you would be treated in the same way.

The other point, Mr. Minister, is that recognizing the tremendous number of people who are usually impaired—at least to a degree, whether legally or practically only—when they are involved in automobile accidents, I am wondering if you have given any consideration to the idea of dedicating at least part of the fine or an additional fine to underwrite some of the OHIP costs and maybe possibly assist in the expense involved in the provision of blood.

This is an area which I think is of crucial interest to people involved in the administration and delivery of our health care system and one that deserves consideration by your particular ministry.

Mr. Conway: Tell them about the law of Killaloe, Roy.

Hon. Mr. McMurtry: I don't know how helpful it would be, really to take the fines—well actually the fines go to the consolidated revenue fund, and since about a third of the consolidated revenue fund finds its way into the Ministry of Health budget. I think it's fair to say that these fines are at least in part subsidizing health concerns.

[5:30]

In relation to the first part of the hon. member's question, Mr. Chairman, I assume

he was referring to certain judges in certain parts of the province who have different views on whether or not there should be incarceration automatically, or almost automatically, almost as a matter of course, for a first offender as opposed to those who do not. As I have said on other occasions when this issue has been raised, we are really dealing with a matter of judicial discretion, and as long as a judge exercises a discretion in each individual case, the judge is carrying out his or her responsibilities.

As the hon. member knows, I cannot and should not issue directives to judges as to the nature of the penalty to be imposed in any particular case. Some judges obviously have stronger views in relation to certain types of offences than do other judges and this is reflected by judicial attitudes in other areas of the law. But I have always assumed one of the responsibilities of a judge in imposing a sentence is to reflect the concern or abhorrence of the community with respect to a particular type of offence. It may be in some areas of the province people feel more strongly about this than in other areas. I am not in a position to speculate.

If this whole question of uniformity of sentences is a difficult one and if the federal parliamentarians who are responsible for the Criminal Code and any amendments thereto would wish to impose a uniform sentence for impaired drivers without any judicial discretion, they would have the power to do that. I personally don't believe that judicial discretion should be removed, but that's the only way you could guarantee obtaining uniformity of penalty.

The fact somebody may not know whether or not they are going to go to jail for a first offence of impaired driving may have some deterrent value in itself, but in relation to any of these sentencing matters the accused always has the right of appeal.

Mr. Cunningham: I could follow, Mr. Minister, by saying the possibility of doing time in one of the institutions administered by the hon. member for Scarborough Centre (Mr. Drea) may be a deterrent in itself.

Mr. Conway: They sound like the place to go these days.

Mr. Cunningham: I understand people are now asking for two years plus a day. What I am concerned about is that in the minds of the public there be some general appreciation you will be dealt with in the following manner, these are the actual penalties for breaking the law.

In some areas people are getting off too easily and in other areas they are incarcer-

ated. The inconsistency associated with it disturbs me. I am really bothered by it.

If I could offer to you an analogy, sir, I would say this: it is that very discretion that has ruined the possibility for young people in this province to consume alcohol. In some particular jurisdictions they have been incarcerated for under-age drinking and it has in fact been a deterrent; in many other areas it has been treated in the same fashion as jay-walking. That inconsistency has produced some very serious discrepancies in the degree to which the individual in society will obey the law.

I only offer this to you, Mr. Minister, because I hope somehow you may convince our friends in the courts to adopt some idea of consistency, which is important in the minds of the public.

Mr. Stong: One of the other points to which I wanted to refer is the area of plea bargaining. I understand from the Attorney General's answer earlier, that statistics are compiled on the basis of number of charges laid. That is very important and I concur with the observations made by the member for Lakeshore concerning the consequences which follow the fact crime statistics can be completely distorted when multiple charges are laid stemming from the same set of circumstances, the same occurrence.

I know one instance where seven separate charges were laid arising from one driving occurrence. If that's the basis upon which crime statistics are based then no wonder our crime is on the increase.

Mr. Lawlor: It happens all the time.

Mr. Stong: I do endorse the member for Lakeshore when he chastises you and the ministry's attitude towards that type of procedure.

However, let us direct our attention towards plea bargaining. I think plea bargaining is very useful and very helpful and essential to the administration of our courts and to the administration of justice. The laying of multiple charges renders plea bargaining almost a hollow, futile mechanism. When a defence counsel appears before a Crown attorney in order to ascertain facts and figures and he is met with a whole slew of charges facing him, arising out of the same circumstances and those charges are used as a lever there has to be give and take.

I see plea bargaining as a very useful aspect of our court system because properly used, it can avoid the attendance of witnesses. I disagree with the member for Lakeshore when he says it's abused. On the whole

I believe the defence counsel welcomes the chance of plea bargaining. I believe it would be of great assistance to legal aid in cutting down the costs incurred and the fees expended by virtue of the fact it aids avoiding long trials, and long court cases. It avoids expenditures from the public purse for the attendance of witnesses in court.

Plea bargaining is the type of situation that must be explored fully and implemented more. I do not like to see it hampered by virtue of the fact an accused faces multiple charges arising out of the same set of circumstances. Honest plea bargaining, an honest approach to the situation, is then frustrated because of the levers at the disposal of the Crown attorney.

Likewise, it appears to me that in the matter of obtaining adjournments in our courts there is a weapon in the hands of the Crown attorney that is not available to defence counsel. That is the ability of a Crown attorney to withdraw charges. I've seen this happen time and time again. It perhaps does not happen as often as defence counsel requests adjournments. On many occasions a defence counsel or an accused could be forced on to trial when not fully prepared. It is incumbent upon him, having set the trial date, and he's forewarned by the judge, that he must proceed to trial.

That accused goes to court on that day and he is forced to proceed to trial, whereas a Crown attorney has the weapon of the withdrawal of the charge if he's not prepared to proceed to trial, and oftentimes that is employed. The charge is withdrawn in order to avoid the embarrassment of incurring the wrath of a judge by being able to avoid being required to proceed to trial.

The real problem is that having withdrawn the charge, the Crown attorney can re-lay the charge. This is done on occasion, not frequently but on occasion. That procedure is not available to an accused person; the accused person is definitely prejudiced by that type of behaviour.

In my submission to the Attorney General, in the event a Crown attorney withdraws a charge, for no matter what reason, I think he should be instructed not to re-lay, unless of course information comes to his attention that was not available to him prior to the withdrawal. It works a hardship, and albeit it doesn't happen often it does happen; and a similar procedure is not available to the accused and therefore the accused is prejudiced.

In the event a Crown attorney is not prepared to proceed to trial and he withdraws the charge, he should be directed by your

ministry not to re-lay that charge and not to bring the matter before the courts again.

There is another area on which I would like to address the minister. That is the question of the decentralization of the Crown attorneys and the program as it is being implemented in the principle is commendable, that a Crown attorney be allowed to remain in a court and be associated with that court and its surrounding police divisions so that there can be proper follow-up and follow-through of the cases. I think it is incumbent on the court system that a Crown attorney be allowed to follow through a case from low court through to high court and before a jury, because he is the most familiar of all the court officers with the particular case and facts.

However, I am interested to know how many areas of decentralization there are, how many blocks of Crown attorneys have been created in this program before I go on with my other question.

Hon. Mr. McMurtry: The decentralization program is for the judicial district of York and as I mentioned earlier the four areas of Toronto, Scarborough, North York and Etobicoke. Part of the problem has been caused by the fact that we quite frankly have run into some rather frustrating delays in having accommodation ready in these four areas. Staff accommodation is in place, more or less in Etobicoke, but in North York and Scarborough it will probably be early March before the facilities and new courtrooms are available. Do you want the precise number of Crown attorneys who are going to each location?

Mr. Stong: Yes.

Hon. Mr. McMurtry: I would have to get someone to give me that.

Mr. Stong: I asked you earlier last week about, as it has been described to me the discontent that has arisen as a result of some of the changes that have been implemented and changes in the programs after the initial implementation had taken place.

I would like to direct some questions along those lines, but in order to do that, I have to be sure of my facts and be sure we are talking about the same type of thing. So, initially, what I would like to know is who is in charge of each of these four areas and how were they chosen?

Hon. Mr. McMurtry: There are four deputy Crown attorneys. They were chosen—

Mr. Stong: Can you tell me who they are?

Hon. Mr. McMurtry: There was a competition in the ministry. It was made known by

the director of Crown attorneys, a year and a half or more ago, that deputy Crown attorneys were to be appointed to be in charge of each of these particular borough offices. The Crown attorney, of course, remained in overall charge.

A number of Crown attorneys applied. They were interviewed by senior members of my staff, including the director of Crown attorneys, and the assistant deputy minister, John Greenwood, who is no longer with us. It was a question of making recommendations to me on whom they felt were the best people to fulfil these particular jobs.

I concurred with their recommendations, because I was familiar with most of the senior Crown attorneys; most of the Crown attorneys have been in the judicial district of York for more than seven or eight years. I believe there were up to a dozen applicants, I cannot recall the number. As you know, Mr. Norman Matusiak is in Etobicoke. Michael Lynch is in Scarborough and Mr. Steve Leggett is in North York. Mr. Robert McGee is in the city of Toronto.

Some changes were made in the system. I have no doubt but that certain complaints have reached the ear of the hon. member, because certainly I received a certain amount of anonymous mail. I know a number of the Crown attorneys in this area personally, because like the member opposite I have had considerable experience practicing in the provincial courts.

[5:45]

Now maybe people aren't always totally frank with the minister, but I have met with a lot of enthusiasm about this whole program. As a matter of fact, I attended a working dinner of the downtown office recently where there was almost 100 per cent turnout. Twenty-five or more assistant Crown attorneys got together for a working dinner, and I must admit I was very encouraged by the obvious morale. I am very encouraged by the fact Peter Rickaby, the Crown attorney, is working at 18 King Street East, where he is in daily contact with the deputy minister and assistant deputy minister. I had breakfast with him this morning and he is very much involved in the whole process.

This is very important for the development of the office of the judicial district of York, because with the pressures of everybody's time, even a matter of a few city blocks separation between University Avenue and 18 King Street East, make it difficult to have the sort of interaction I want as Attorney General, between our ministry and an office that represents pretty close to 50 per cent of the system.

I am very enthusiastic about the potential. When we appointed the deputy Crown attorneys, I would have been surprised if there weren't several people disappointed they didn't get the job. They wouldn't be professional, highly motivated people if they weren't disappointed. When you have these competitions and recommendations are made, decisions have to be made and it's always difficult, particularly when you have more than four people who could serve in that capacity.

So I am aware of some of the concerns expressed. I am really very enthusiastic and very optimistic about what this can accomplish for the Crown attorney system in this area and in motivating each of the members to have a more important role.

For example, the accommodation for the Crown attorneys will improve as we develop this additional office space together with the court space.

Certainly I haven't been very happy with the accommodation of the court house on University Avenue, where you have so many Crown attorneys crowded into one location. So notwithstanding our restraints, we have been able to accomplish something very worthwhile for the Crown attorney system in this area.

Mr. Stong: The principle of decentralization is commendable and I began my remarks by saying that. It is very important we have Crown attorneys who are able, by virtue of their position, to follow a case through from the beginning to the end. Whether it goes to judge and jury or provincial judge alone, you have the same Crown attorney following it through so there is some kind of consistency. That is commendable and needed.

I suppose the minister could be closer to the situation than I am—

Hon. Mr. McMurtry: I can assure you I am.

Mr. Stong: That is good to know, because others have approached me with respect to the situation and I don't think I am too remote or too far removed.

Hon. Mr. McMurtry: I didn't say you were.

Mr. Stong: I am interested in the phraseology you used, "ministry competition." I would like to know the criteria by which that competition was conducted. In selecting these four borough Crowns, how much weight was put—in particular, how much weight was put on years of service, competence and the ability of the person as a career Crown attorney? It seems to me that's important.

Also, I'd like to know if the following information given to me is accurate: that initially four borough chiefs or borough Crowns were appointed and then changes were made.

If my information is correct, maybe only one, but I believe two, had been set up, prepared to go, and then were removed from that office and the office was filled by someone else.

I'm given to understand that these people who were initially given that job had expected they would be able to follow through. However, it seems discontent arises out of this type of situation and it has not been handled properly in terms of personnel by the ministry. It would seem that the only thing lacking is the ability to communicate and have people who are career Crowns, professional Crowns, understand exactly what the policy of this ministry is in appointing individuals to these very important posts.

Hon. Mr. McMurtry: Certainly experience, years of service, competence and general administrative ability were obvious criteria.

I should correct myself in one area, though. I mentioned four offices. Actually, the initial competition was for three posts and not four. The hon. member may be confused a little bit between some internal matters related to so-called bureau chiefs at the old City Hall, as opposed to deputy Crown attorneys in the borough offices. There were no changes. The three people who were selected initially all have had a considerable amount of experience in the Crown attorney system, as I'm sure you know.

There were some internal changes in relation to the bureau set-up at the old City Hall, but there are no changes, which would be an internal matter, vis-à-vis the downtown city of Toronto office. In other words they would not be dictated by the ministry. There weren't any changes in relation to the borough offices.

As I said, my frustration has been caused by the fact that it's taken as long as it has to create the additional courtroom space and the additional offices in order to get those offices functioning effectively as semi-autonomous units.

There was no competition. I'm not aware of any competition for any sort of bureau chiefs within the downtown office, because that is an internal matter as far as that office is concerned. My concerns are related to the borough offices and the competition in relation to those people. I would be very surprised if anybody could seriously quarrel with the decisions to choose Messrs. Lynch, McGee and Matusiak as a result of that competition. I must admit, the responses I've had from the practicing bar have been very favourable and I've heard no negative comment.

Mr. Stong: Again, I am not concerned about the number of courtrooms. We are in

need of courtrooms. The people who have expressed their concern to me were not worried about courtrooms. They all recognized the necessity of courtrooms; and least of all consideration is whether the practising bar consents to the changes, that's the least consideration.

The most important consideration for your ministry in my respectful submission to you is your own personnel and the people who work under you and for you. If I understand correctly what you have just said, you indicated there was competition for three of the borough chiefs—not bureau chiefs, but borough chiefs or borough Crowns or deputy Crowns as I understand it—and there were four placements. I'm given then to assume from your answer, if I'm correct, that there was no ministry competition for the fourth placement.

If I understand you correctly, that's as I have noted it here.

Hon. Mr. McMurtry: The fourth position is held by a gentleman who's already a deputy Crown attorney for the judicial district of York. At the time of the decentralization, we had one Crown attorney and one deputy Crown attorney. We in effect created three new deputy Crown attorneys and the competition was for those three new jobs. The fourth person, Mr. Leggett, was a deputy Crown attorney and remains a deputy Crown attorney.

Mr. Lawlor: The member for York Centre is floundering around pretty badly at the moment. You'd better hang up your hat on this one.

Mr. Stong: I'm concerned, just so the matter goes into Hansard for those who are interested in reading it, about the explanation of the Attorney General. Just so there's no mistake about it, I have asked the questions and the answers are forthcoming from the other side of the House. So that the sequence is understood, there were four positions, four borough offices created. There was competition for three and the one held by Mr. Leggett required no competition.

Hon. Mr. McMurtry: Yes, he was already a deputy Crown attorney and so-designated by an order in council of this government.

Mr. Stong: I know that it's getting close to the hour, but I do have a couple of other questions.

Hon. Mr. McMurtry: I just wanted to add that the decision on the three was the result, from what I can gather, of virtually a unanimous recommendation by the senior Crown law officers in the ministry who have responsibility in relation to criminal law.

I'm not saying it was an easy or an obvious choice, because there were several others who were very highly qualified and might well have served, but when it got down to making a decision there was no difficulty. I want to make it very clear that if I had disagreed, if I had felt there was another individual who was better qualified by reason of my own knowledge of the office than these gentlemen, I wouldn't have hesitated, with all due reluctance and with great respect for my colleagues here, to have said, "No, I'm going to recommend somebody else."

But in order to put this matter to rest, to some extent at least, I want to make it very clear that it wasn't a question of the Attorney General imposing his will on his senior staff on the choice of any of these individuals, although as the buck stops here, if I felt that it was in the public interest to do so I would have. But in this particular case, there was a very high degree of unanimity.

Mr. Stong: I think we'll let that issue rest. Anyone who wants to know your reasons, they can read about it.

In February of this year, I understand you set up a special panel of seven Crown attorneys to prosecute rape charges. I'm wondering what the progress of that select group is; what they're doing, what they've achieved, how closely they're working with the police and how that special squad is working?

Hon. Mr. McMurtry: What I've asked the Crown attorney to do in about February—I think that's about the time—was to put someone, under his direction, in charge of rape prosecution in order to expedite the progress of these cases through the courts. I had had some correspondence, a brief had been presented to me, from the Rape Crisis Centre in Toronto.

One of the issues they raised, and one of concern to me, is the additional emotional strain that is borne by complainants when these cases are unnecessarily delayed. While every accused person must have the reasonable opportunity to make a full defence to the charges, it's important to expedite these cases through the courts for two reasons. First of all, it's in the public interest, obviously, to have serious matters tried as quickly and as fairly as possible. Secondly, it was suspected that a number of complainants or victims in rape cases might not be complaining to the police because of the long delays attributed to the courts. So I wanted to have somebody to expedite these cases.

Mr. Gerry Wiley was given that responsibility. I can't tell you who is working with

him on it, because I haven't met him. I've met with Mr. Wiley and I can say he established a very excellent liaison with the Rape Crisis Centre. I've had letters from the Rape Crisis Centre indicating their support of what's been accomplished and the fact Crown attorneys expedite the cases through the courts.

One of the complaints was that the victims, who are often, naturally, distressed by the frightful experience, in the past have been faced with the situation where they

might meet one Crown attorney who was going to take the preliminary inquiry, and then perhaps at the last minute another Crown attorney would show up; and then when it came for trial another Crown attorney would take the trial in the county or Supreme Court. I indicated I wanted some continuity with the handling of these cases. The complainants would obviously feel less emotional if they were dealing with the same Crown attorney throughout.

The House recessed at 6 p.m.

CONTENTS

	Monday, November 21, 1977
Rules of the House, Mr. Speaker	2041
Nursing homes, statement by Mr. Timbrell	2041
Child abuse, questions of Mr. Norton: Mr. S. Smith, Mr. Cooke, Mrs. Campbell	2042
Advertising, questions of Mr. Bennett: Mr. Lewis, Mr. Eakins, Mr. B. Newman, Ms. Bryden, Mr. Reid	2043
Learning-disabled children, questions of Mr. Wells: Mr. Lewis, Mr. Nixon, Mr. Foulds, Mr. Sweeney, Mr. Cooke, Mr. Stong	2045
Use of influence, questions of Mr. McMurtry: Mr. S. Smith, Mr. Nixon	2047
Hydro observers in House, question of Mr. J. A. Taylor: Mr. Peterson	2049
Hospital cutbacks, questions of Mr. Timbrell: Mr. Conway, Mr. Lawlor	2049
Trial delay, questions of Mr. McMurtry: Mr. Deans	2050
Disposal of PCBs, questions of Mr. Kerr: Mr. B. Newman, Mr. Gaunt, Ms. Bryden	2050
Home buyer grants, questions of Mrs. Scrivener: Mr. Ziemba, Mr. Warner	2051
Diabetic truck drivers, questions, of B. Stephenson: Mr. Bradley	2052
Aluminum wiring, questions of Mr. Grossman: Mr. Warner, Mr. Davison	2052
Report, commissioners of estate bills re Bill Pr16	2053
Estimates, Ministry of the Attorney General, Mr. McMurtry, continued	2053
Recess	2077

SPEAKERS IN THIS ISSUE

Bennett, Hon. C.; Minister of Industry and Tourism (Ottawa South PC)
Bradley, J. (St. Catharines L)
Breithaupt, J. R. (Kitchener L)
Bryden, M. (Beaches-Woodbine NDP)
Campbell, M. (St. George L)
Cassidy, M. (Ottawa Centre NDP)
Conway, S. (Renfrew North L)
Cooke, D. (Windsor-Riverside NDP)
Cunningham, E. (Wentworth North L)
Davison, M. (Hamilton Centre NDP)
Deans, I. (Wentworth NDP)
Eakins, J. (Victoria-Haliburton L)
Edighoffer, H.; Chairman (Perth L)
Foulds, J. F. (Port Arthur NDP)
Gaunt, M. (Huron-Bruce L)
Grossman, Hon. L.; Minister of Consumer and Commercial Relations
(St. Andrew-St. Patrick PC)
Kerr, Hon. G. A.; Minister of the Environment (Burlington South PC)
Kerrio, V. (Niagara Falls L)
Lawlor, P. D. (Lakeshore NDP)
Lewis, S. (Scarborough West NDP)
McClellan, R. (Bellwoods NDP)
McMurtry, Hon. R.; Attorney General (Eglinton PC)
Newman, B. (Windsor-Walkerville L)
Nixon, R. F. (Brant-Oxford-Norfolk L)
Norton, Hon. K.; Minister of Community and Social Services (Kingston and the Islands PC)
Reid, T. P. (Rainy River L)
Riddell, J. (Huron-Middlesex L)
Rotenberg D.; Deputy Chairman (Wilson Heights PC)
Scrivener, Hon. M.; Minister of Revenue (St. David PC)
Smith, S.; Leader of the Opposition (Hamilton West L)
Stephenson, Hon. B.; Minister of Labour (York Mills PC)
Stokes, Hon. J. E.; Speaker (Lake Nipigon NDP)
Stong, A. (York Centre L)
Sweeney, J. (Kitchener-Wilmot L)
Taylor, Hon. J. A.; Minister of Energy (Prince Edward-Lennox PC)
Timbrell, Hon. D. R.; Minister of Health (Don Mills PC)
Warner, D. (Scarborough-Ellesmere NDP)
Wells, Hon. T. L.; Minister of Education (Scarborough North PC)
Ziemba, E. (High Park-Swansea NDP)



No. 56

Legislature of Ontario Debates

Official Report (Hansard)
Daily Edition



First Session, 31st Parliament

Monday, November 21, 1977

Evening Sitting

Speaker: Honourable John E. Stokes

Clerk: Roderick Lewis, Q.C.

CONTENTS

A list of the speakers taking part in the debates in this issue of Hansard appears, in alphabetical order, at the back of this issue.

Daily contents of proceedings also appears at the back of this issue. Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff. Phone 965-2159.

Hansard subscription price is \$15.00 per session, from: Sessional Subscription Service, Printing Services Branch, Ministry of Government Services, 9th Floor, Ferguson Block, Parliament Buildings, Toronto M7A 1N3. Phone 965-2238.

Published by the Legislature of the Province of Ontario.
Editor of Debates: Peter Brannan.

LEGISLATURE OF ONTARIO

MONDAY, NOVEMBER 21, 1977

The House resumed at 8 p.m.

ESTIMATES, MINISTRY OF THE ATTORNEY GENERAL

(continued)

On vote 1304, Crown legal services program; item 1, criminal law division:

Mr. Lawlor: Before I get into another area under this vote, what are these provincial prosecutors, of whom there are 35, doing? What's their job?

Hon. Mr. McMurtry: The provincial prosecutors are the lay personnel who prosecute offences under provincial statutes. It has been repeatedly pointed out that it isn't appropriate for police officers to prosecute cases, for example, under the Highway Traffic Act. Some time ago the government announced the intention of appointing a number of provincial prosecutors, people who could be trained to prosecute offences under provincial legislation.

I regret that budgetary restraints have not permitted us to appoint more than the 35 or 36 who have been appointed because I think it's an important program. Hopefully, some day the complement will be found to increase the number of provincial prosecutors. I reiterate that it's more desirable for prosecution to retain at least some sense of detachment from the law enforcement bodies. I, therefore, think it's desirable to have provincial prosecutors in relation to this type of offence who do not have to be graduates of law schools.

Mr. Lawlor: There are 11 in York county in Toronto, four in Carleton and two in Peel, which is altogether commendable. I remember some years ago when during these estimates we used to press the Attorney General of the day very much to take the policeman out of the court because he was in a double capacity and usually in uniform. The move is altogether commendable. Have they any legal training at all and to what extent?

Hon. Mr. McMurtry: There is a course of training. I am sorry I can't give you too many details about the course. They are trained in relation to the statutes that they are likely to prosecute. We do have a provincial

prosecutor's handbook as well. The Crown Attorneys Association conducts the annual training and refresher courses for our provincial prosecutors.

Mr. Lawlor: Perhaps I could get a little more information on that after this as to when, what sessions and to what extent they are clued in. I would also like to know the scale of salaries in that particular job.

Hon. Mr. McMurtry: The scale of salary is \$15,000 to \$17,000.

Mr. Lawlor: Do you think you'll apply?

Mr. Deputy Chairman: Order, please.

Mr. Lawlor: There is another area I wanted to explore a bit. It's the area I mentioned to the Deputy Attorney General just as we broke for dinner. It has to do with custody of children, kidnapping and surrounding problems of that kind. The case in question which I gave to the deputy was one in which there were three or four children whose father had got full custody through the court. I believe a Judge Campbell—is that the same Judge Campbell I know?—was involved in the matter at some point. In any event, the wife seized the children and went off to Pennsylvania, and that's where they are at present.

I want to spend a moment or two discussing two somewhat distinct problems. One is the problem of custody and the seizure of children within Canada, where I believe there are reciprocal agreements, and outside of Canada when the children are taken to Great Britain, let's say, or in this specific instance to the United States. Someone has told me there is a reciprocal agreement between Ontario and Michigan and possibly between Ontario and other states of the union in the United States. I would like that to be confirmed.

That would have simply to do with the custody issue, the civil issue. In the case in question, the solicitors on behalf of the husband have obtained an order, I think probably from the surrogate court—you have the papers now—and there is a citation for contempt involved. If the wife were apprehended, she could be brought before the court for contempt and jailed.

Mr. Deputy Chairman: Could I ask the hon. member, as we are discussing the criminal law division of the Crown legal services program, has this to do with the Crown attorneys in the criminal law service? Are you leading up to something connected with this particular vote?

Mr. Lawlor: Mr. Chairman, it is a bundle of wax like a lot of things in law. I could discuss the kidnapping end of it, but I am sure the Attorney General would be somewhat more magnanimous than the Chair appears to be tonight with respect to this matter. He knows that the issue is all tied together.

Mr. B. Newman: He will field it anyway.

Mr. Lawlor: You can lay either one kind of charge or another. The business of laying kidnapping charges is pretty serious. That is done federally and it would be a question of reciprocal agreements between the Dominion of Canada and a foreign jurisdiction, which operationally concerns us as to the Attorney General having his Crown laying charges in one way or another in this particular regard.

With your indulgence I would like, if possible, to take this in a broad way, particularly the next vote having to do with the civil law. What's the answer to all these problems?

Hon. Mr. McMurtry: I would be delighted to have the answer to all these problems. There's an international conference scheduled for 1980 with a view to obtaining international agreements with as many nations as possible in relation to the problem of childnapping, as it is sometimes referred to. We don't have any reciprocal agreements with the states, the United States, or anywhere in relation to this problem.

Mr. Lawlor: None with Michigan?

Hon. Mr. McMurtry: No. We have agreements with a number of states on the reciprocal enforcement of maintenance orders and I enter into an agreement with another state every couple of months. I can't tell you the number of states at the moment.

Some provinces have passed uniform legislation in relation to this problem of childnapping. I have asked our policy development people to look at similar legislation for Ontario. It doesn't seem to have accomplished a great deal, to my knowledge, within our own national borders, but it's something that is being reviewed at the moment.

Mr. Lawlor: My colleague from Windsor claims that automobile workers, particularly in the Windsor area, who are at loggerheads with their wives just make arrangements be-

tween the plants there to move across the river. When the time is opportune, they seize the children and move across.

He claims that there is some ongoing relationship. His complaint, curiously enough, was that it took a year to bring the matter to a hearing on the Michigan side, but that you had reciprocal agreements and you were lax in not pushing on behalf of Canadian citizens.

You're telling me that's all hogwash, or eyewash, or some kind of wash?

Hon. Mr. McMurtry: I don't think that your colleague has brought this to my attention in the past and I'd be very happy to discuss it with him.

In relation to border cities, I understand a fair degree of co-operation has grown up with respect to the officials in the courts of both sides of the border. This is a common problem, and of course it cuts both ways. My understanding is that the administrators of the courts who have jurisdiction on both sides of the border do co-operate with one another in relation to the processes that are issued from the respective courts.

But there is no agreement. It may be the co-operation that has grown up is more effective than any agreement, but I can't recall anybody suggesting to me in the past couple of years that this matter could be more effectively dealt with by reason of an agreement between Ontario and Michigan, for example. I'm not excluding that possibility, of course, for a moment. It's something I'd be quite happy to pursue.

Mr. Deputy Chairman: Anything further on item 1?

Mr. Lawlor: Just one other thing, the part-time Crowns. There are only three areas in Ontario where the part-time Crown is operative, or is that incorrect? Prescott and Russell, Haldimand and Dufferin?

[8:15]

Hon. Mr. McMurtry: We're talking about the contract Crown attorneys. We have many part-time Crown attorneys who work on a per diem throughout the province. The contract Crown attorneys, I believe, are a diminishing breed. Yes, in those three areas we are dealing with part-time Crown attorneys, each of whom is the only Crown attorney in the judicial district. They are paid, I am told, an annual retainer, and by reason of the work load, which is relatively slight, it just does not merit the employment of a full-time Crown attorney. I believe they are the only judicial districts in the province which don't have at least one full-time Crown attorney.

Mr. Lawlor: I have noticed they are assistant Crowns, not Crowns.

Hon. Mr. McMurtry: I can try to clarify that, but they are the Crown attorneys in those judicial districts. The hon. member is quite correct. They are listed as assistant Crown attorneys. I must admit I am puzzled by that because they are the only Crown attorneys in those particular areas.

Mr. Lawlor: When I read it, I thought that they were probably under the general supervision of the next nearest Crown attorney's office—

Hon. Mr. McMurtry: No. They are under the supervision of the ministry, but—

Mr. Lawlor: All right, the final question. Apart from that type of contractual relationship, is your office using any extra lawyers with respect to Crown prosecutions?

Hon. Mr. McMurtry: We have large numbers of part-time assistant Crown attorneys throughout the system.

Mr. Lawlor: I mean the changing counsel from outside your system from those already on staff to conduct prosecutions.

Hon. Mr. McMurtry: I am not sure that I understand the question. We have a large number of part-time assistant Crown attorneys throughout the system, but we don't resort to lawyers for special prosecutions.

Mr. Lawlor: You don't?

Hon. Mr. McMurtry: No.

Mr. Lawlor: Under no circumstances?

Hon. Mr. McMurtry: As you know, we appoint part-time assistant Crown attorneys in various areas, usually the urban centres of the province, in order to assist. These Crown attorneys are not retained on a per case basis. The assistant or local Crown attorney will ask, "Look, next Wednesday can you take the court in such and such a place?" So, they are retained to that extent on a per diem basis, but not to handle special prosecutions.

I recall when the hon. member for Lakeshore and I were first practising law there was a system by which practising members of the bar were retained to take murder cases in particular areas of the province or other special prosecutions. We don't do that any more.

Mrs. Campbell: Mr. Chairman, I regret that I have not been here for these estimates all the way through. If I am asking questions which have been covered, I trust that the Attorney General will so advise me because I have not even read the Hansard as yet.

In the matter of the Crown attorneys as they relate to the family court, has there been a review of their operation? As I am sure the Attorney General may know, we did run into problems in the court in Toronto, which is somewhat unique because it has a large number of judges as opposed to other areas where you may have a single judge. But when we were dealing with proceedings in that court, when you had a Crown attorney attached to the court on an ongoing basis, it seemed to me that there was a greater possibility of trying to assign cases and of the Crown having some more complete idea of the case, the numbers of witnesses involved and so forth, so the scheduling could be done on a rational basis.

However, when we had a Crown who was only there one day a week this did not really allow that kind of preparation. I believe the time of the court, the time of witnesses and the time of persons before the court was often wasted because of that. Has there been any further consideration given to some form of ongoing Crown service in the family court? I would also like to know how it functions in Hamilton with the unified court there.

Hon. Mr. McMurtry: Part of the problem has been to staff the juvenile and family courts with Crown attorneys on every occasion. We attempt to do it. And from my meetings with provincial court judges in this area I gather they are reasonably satisfied with the situation. There is no question but that they would like to have a larger complement to make sure that a Crown attorney is provided for every court all the time.

Perhaps one of my associates here would be able to assist me as to what is the situation with respect to the unified family court in Hamilton in relation to Crown attorneys. I haven't any indication other than that it is staffed full-time by the local Crown attorney's office. That's my information. I will certainly follow it up to make sure that my information is correct. If it is otherwise, I will so advise the hon. member.

I am reminded that the unified family court is the responsibility of the former Crown attorney for the Hamilton-Wentworth area, a gentleman who acted as Crown attorney for York; the unified family court in Hamilton is the full-time responsibility of Mr. Harvey McCulloch.

Mr. McCulloch had reached the age of retirement, but he is a very active, knowledgeable gentleman in that full-time capacity.

Mrs. Campbell: Thank you. I understand that you, Mr. Attorney General, appointed a special panel of seven Crown attorneys to prosecute rape trials as of February of this year. Could you advise us as to how this panel has worked and could you give us a progress report on that function?

Hon. Mr. McMurtry: I don't know whether I would use the expression "panel", but it is probably as good an expression as any. It arose as a result of some communication and meeting that I had with the Toronto Rape Crisis Centre. One of the major problems they communicated to me was the delay in proceeding to trial. One of course, can appreciate the enormous emotional strain on any victim of this type of offence and the enormous emotional strain placed on any person when the trial is unduly delayed over a period of many months.

There is another area of concern to do with the fact they would meet a Crown attorney just immediately prior to the preliminary hearing. They would be dealing with a total stranger who would be asking them questions about matters of a highly personal nature. This, of course, only adds unnecessarily in their view, and in my view, to the emotional strain. Furthermore, the Crown attorney who would be questioning them at the trial of the action would often be yet another Crown attorney.

The Rape Crisis Centre expressed to me that these people, the complainants, didn't feel they had their own lawyer there. Although I explained to them of course the Crown attorney wasn't their lawyer but was representing the public, I appreciated their concern. I felt it was totally understandable and a very legitimate concern.

So I instructed the local Crown attorney's office to assign Crown attorneys, one to co-ordinate the program, but to accomplish two things. I also met with the chief judges and justices of the various courts to help expedite the cases through the courts.

I was concerned in ensuring that a Crown attorney—one Crown attorney—be assigned to the case at a relatively early stage so there could be some degree of reasonable confidence build-up between the complainant and the Crown attorney in relation to the presentation of the case. Of course, one has to be very careful about this because the Crown attorney is representing the public interest as well as the complainant's interest. But it seemed to me to be in everybody's interest—particularly in fairness to the complainant—to have some continuity with respect to the presentation of the case. So my instructions

were to have the Crown attorney who sees the case carry the case through the court.

Also, I urged the local Crown attorney's office to assign Crown attorneys who seemed to possess a particular degree of sensitivity towards this type of case and towards the complainant in this type of a case. From what I've heard it's worked out fairly well. The communications I've had with the Rape Crisis Centre have been of a very positive nature. Mr. Jerry Wiley of the local Crown attorney's office is our key liaison between both the Crown attorney's office and the Rape Crisis Centre.

Any communication I have had with the centre would indicate they're very satisfied with what has occurred. I've had some very favourable comments about the handling of these cases by the Crown attorneys, even when the cases don't result in convictions. That pleased me—not that they didn't result in a conviction but that the complainant still felt the case on behalf of the Crown had been presented effectively, and she had been treated very sensitively.

Last week the member for St. George and I discussed the fact I'd indicated my similar concerns to the Metro police department. From what I've been able to learn the relationship with the Metro police department seemed to be of a highly satisfactory nature.

[8:30]

Now I don't have any statistics at this moment to indicate just what the progress has been in relation to the actual expedition of these cases through the courts. I've asked for this information because I'd like to be able to demonstrate to the public as a whole these cases are proceeding through the courts despite the backlogs. They are being given special priority, because I think they should be given special priority, and the time between the arrest of the accused and the final trial has been shortened considerably.

I don't have the details but I'd be happy to share those with the member when I do have them because I think this is very important. It's not only a question of presenting the Crown's case more effectively and ensuring that the complainant is treated with the utmost decency in a very sensitive emotional situation, but also if the public as a whole knows that these cases are being given special priority. I may be a little naive but I'm hopeful this may have a deterrent effect on would-be rapists or other people who might be tempted to engage in a sexual assault, if they know their cases are going to be treated effectively and expeditiously.

and the appropriate sentence handed out when convictions are registered.

Mrs. Campbell: I appreciate the reply. Could the Attorney General advise me as to whether there has been any consideration given, for example, to the Israel experiment insofar as the rape of children is concerned? I think this is one of the very brutalizing things that happens particularly if there is a lengthy delay.

Secondly, has the Attorney General been able to discover any further evidence to that which I tried to adduce at the last estimates of those sorts of cases where women complain to me—and I must confess when I went back to them they just didn't want to have their names given—of the difficulty in trying to lay a charge or an information in such cases?

The Attorney General at that time, I believe, stated he would like to look into the matter and see if there were people being discouraged in such cases. Was he able to do so? I regret I can't be more helpful to him.

Hon. Mr. McMurtry: In relation to sexual assaults or rape cases as opposed to cases involving children?

Mrs. Campbell: Yes.

Hon. Mr. McMurtry: After I discussed the matter with the member for St. George at the last estimates, I discussed this with the police officials and indicated this concern had been brought to my attention. It may be that since that time there is even greater sensitivity being demonstrated.

The police response generally was that they did have to deal from time to time with cases that did not appear really to be criminal cases. By reason of certain relationships of people who were not strangers, complaints were made that were not necessarily suspect but in which there was a little scepticism. The police have indicated they wanted to communicate to the complainant or would-be complainant the seriousness of the allegation and the fact that this is not an allegation that should be made frivolously or through any short-term feeling of revenge for someone who felt that she had been badly treated by someone who had really not assaulted her.

I appreciate, and I'm satisfied that the police appreciate, that this is a very difficult line to tread. One must indicate to the complainant what is involved in order to ensure seriousness about the allegation, the very serious allegation to discourage frivolous complaints and yet not discourage legitimate complaints.

Mr. Foulds: Where are the Tory backbenchers tonight?

Hon. Mr. McMurtry: I was satisfied, as a result of the member for St. George's concerns, which as I say led to this meeting, that the local police in this community were very sensitive to the problem and attempted to balance all these concerns. In respect to the Israel experience, I am embarrassed, Mr. Chairman, because at this moment I have discussed it briefly with the member for St. George and with others, and I must admit I can't honestly recall what the Israel experiment is in relation to sexual offences involving children, which are family offences, as I recall. Perhaps the hon. member could enlighten me. Obviously I can't say we have pursued anything in that area or I would have recalled it. But perhaps the hon. member could enlighten me as to the details of that.

Mrs. Campbell: I haven't been close to it for quite some time and I had thought since we saw such lovely paintings of the Attorney General on his visit to Israel, while he was there, he might have engaged in a pursuit of learning. However, they are, or were, treated as a family situation. There was no delay except that which was necessary to gather evidence. The child was at all times fully protected by all sorts of social workers and psychiatrists, psychologists or whatever as might be indicated necessary to the well-being of the child. So a traumatic experience didn't have to be retained in the mind of the child for a year or more, as has been the case here. The child was not examined, as I understand it, by a trained counsel in the adversarial situation.

Hon. Mr. McMurtry: The child didn't appear in court?

Mrs. Campbell: No, the child was examined outside the court by persons other than lawyers to adduce the evidence, but the child was not brought before the courts. Now, I haven't examined it in detail, not having been there, but I wondered if we had given it any consideration. If so, what consideration has been given to that sort of examination apart from the courts and has it been effective, in our view? The criticism is it makes it very difficult for the accused. However, it seems to me for the most part here, with the kinds of evidence so often available, perhaps one doesn't need the child before the courts personally. But I don't know how it is working.

I had invited you to look at it to see if we can do more to protect the child from the traumatic experience, quite apart from

the incident itself, of the long delays, the adversarial approach and the whole question of the problems of retaining in one's mind, by constant reminder, a deliberate reminder of the events so the child is prepared to give evidence in those cases where it can. Nothing, I take it, has been done. I would again invite the Attorney General to—

Hon. Mr. McMurtry: I do recall it now. It came to my mind fairly spontaneously. The key to it was the fact that the child did not appear in court and that identified it.

Mrs. Campbell: That's right.

Hon. Mr. McMurtry: I have asked my policy development branch to look into that. More specifically, I want them to take that up with the Mendes da Costa committee on child representation. Although this isn't directly within their terms of reference, it's an issue they might consider.

I am concerned about something quite apart from this serious issue as to whether the child is in court and is placed in that kind of adversarial context, that adversarial forum which could obviously scar a child emotionally for life just by reason of the experience of being questioned on either side, even in the most gentle, humane manner. In the broader context of just how children are treated generally—I am thinking of children who are involved in sexual assaults outside of the family context—I am very concerned about how they are treated in the courtroom. Even though it doesn't involve a parent it is obviously a highly emotional experience when some adult is charged with assaulting them.

I have asked the committee to look at it in that general context of assaults involving children, whether it is in or out of the family context, because I think most of the concerns are common. Obviously, when it is a family situation, it is particularly serious.

It is fair to say that our social service agencies, strained as they are, give very high priority to the case of a child who is abused sexually by a parent. I hope that I will have something to share with the member for St. George with respect to this matter.

Mrs. Campbell: I just would like to point out that it is another reason why it is important to have a good Crown in your court. Where you have a good Crown who has the opportunity to look at the evidence—in the family court, at least—and you are dealing with a perceived case of contributing, usually the Crown is very careful to prepare a case around the child and very often can do so, the child is not visible in the court at all. That does lead to the problem that I have

also stressed before and to which we haven't addressed ourselves, and that is when the child is invisible in the court, then one tends to forget the child altogether and any kind of further attention that that child should have is very difficult to arrange. So that adds another dimension to the problem.

However, if you do have a good Crown—and we certainly did at Jarvis Street when I was there, an excellent, sensitive, feeling young man—the cases are disposed of quite often without the necessity for the child being there at all. I found this to be a very useful kind of procedure where the offence was an assault of this sort.

Perhaps the Attorney General is now telling us that he is moving a step forward in a bill of rights for children, particularly as they appear in the courts. I know he has said he doesn't think it's necessary, but perhaps we will see that coming from this report.

I hope the Attorney General will give very careful consideration to it.

[8:45]

Mr. Deputy Chairman: Any further discussion on item 1?

Mr. Roy: I'd hate very much to let this item go by without saying something about Crown attorneys, a profession which I have, as the years go by, less and less familiarity with. But then, having for some—

Hon. Mr. Snow: You can always go back.

Mr. Roy: Somebody mentioned I should go back.

Hon. Mr. McMurtry: Not me.

Mr. Roy: Probably if I had felt—Not you?

Mr. Foulds: There's no point now, Albert. Now that the AG's office knows what you're capable of, you'll never get another appointment.

Mr. Roy: I can recall on one particular occasion, I was discussing these estimates, and the Attorney General at the time, Mr. Dalton Bales, questioned why I knew so much about Crown attorneys. I had only left them a couple of years back and he mentioned, after we were giving him a bad time during estimates, that maybe I should have never left.

But I must admit to the present Attorney General that my leaving helped in a very small measure improve the lot of those who stayed. At that time, I can recall, we had differences of opinion as to the remuneration of Crown attorneys. After two years there I think we were getting something like \$10,000 a year, which was not the remuneration

ation that kept your better Crowns for a period of time.

I must say that since that time there has been a trend to stay longer. I don't know whether it's the fact, as well, that jobs are more difficult to get on the part of young lawyers, but they are staying for longer periods of time at the Crown attorney's office. I can recall a few years ago that it was just like a sabbatical; you'd spend a couple of years there and you were off someplace else.

It's unfortunate, as well, when you're talking about competent Crown attorneys, that in the past years you've lost some pretty good ones from the upper echelon of your ministry. I'm talking about Powell and Manning and a few others who've left who were certainly competent people.

Mr. Chairman, I do want to zero in, rather than get into a general discussion. I just want to beg your indulgence on this. When I walked in my colleague from Lakeshore was discussing the question of special prosecutors or something. I was just wondering whether he got into the subject of the prosecutions that have taken place here in the city of Toronto pertaining to the so-called padlock law. I think the legislation involved was under some provincial statute. I don't recall the name.

Hon. Mr. McMurtry: The Disorderly Houses Act.

Mr. Roy: The Disorderly Houses Act. I just wondered if there was any discussion on this item because I want to ask the Attorney General why Metro Toronto, or was it the city of Toronto, had to hire a special prosecutor, Mr. Manning, for prosecutions under that section. Normally, aren't provincial prosecutions matters for your Crown attorneys? Am I not right on that? Usually the bylaws and stuff like this are by the solicitor attached to the various municipalities. But when you get into your provincial statutes, I always thought that it was within the jurisdiction of the Crown attorney's office. I never quite understood why it was that Mr. Manning or a special Crown had to be hired for that purpose.

Hon. Mr. McMurtry: No Crown attorney was hired by the municipality or Metropolitan Toronto. As I recall, Mr. Manning was to bring proceedings for injunctions and it wasn't a special Crown attorney. It was somebody representing an interested party. Under the Disorderly Houses Act—I don't have the legislation in front of me—it says that an application to declare a house as a disorderly house can be brought by any

person. It can be brought by a representative of the Attorney General or any person. Metropolitan Toronto wanted to proceed under this legislation and they retained their own counsel. The person did not appear as a Crown attorney. I think he was described in the press as a special prosecutor.

Of course, municipalities do have special prosecutors in relation to provincial offences.

Mr. Roy: I did not realize the municipalities have special prosecutors in relation to provincial offences.

Hon. Mr. McMurtry: They are related to bylaw offences as opposed to criminal. I suppose it would be better to call them municipal offences because they and the municipality are creatures of the province.

Mr. Roy: Was Mr. Manning retained for the specific purpose of obtaining injunctions under that statute, and not to prosecute any breach of that statute? Is that what you are saying?

Hon. Mr. McMurtry: To obtain a closing order as it was described under that statute.

Mr. Roy: I see.

Hon. Mr. McMurtry: I suppose it is conceivable under certain circumstances the Ministry of the Attorney General might initiate such proceedings, but in this case it was the municipality of Metropolitan Toronto.

Mr. Roy: What is the statute called?

Hon. Mr. McMurtry: The Disorderly Houses Act.

Mr. Roy: And when was that passed?

Hon. Mr. McMurtry: It is chapter 130 of the RSOs of 1970. It was in the 1960 RSOs. I cannot tell you if it predates 1960 or not. I suspect that it does.

Mr. Roy: I was advised that it dates back to 1934 or something.

Hon. Mr. McMurtry: Yes. It may even go back beyond that. I think it originated in the 1920s or the 1930s, Mr. Chairman.

Mr. Roy: Yes, some time I would like to look at that legislation. I suspect there are all sorts of powers given that maybe we might frown on today.

The other point I wanted to raise with you is the situation raised by my colleague to my left, the member for Huron-Bruce (Mr. Gaunt) in relation to a charge laid under the Criminal Code. I think he supplied you with the summons of this. It surprised me when he recounted the story and I did not quite believe it. The local Crown attorney, in fact, had decided not to proceed with any criminal prosecution.

This was a situation, Mr. Chairman, where

apparently the owner of the trailer park felt he was not getting paid and had money owing to him. So what he did to this individual who was on the site, was cut off the water and electricity. He was charged under the Criminal Code. The local Crown attorney apparently decided not to proceed with any prosecution, which in my opinion was a fair approach to take; it appeared to me basically a civil dispute between two parties. Apparently the local Crown attorney was overruled by somebody within the administration of your ministry. I don't know if it was the director of Crown attorneys but whoever it was, charges were laid under the Criminal Code.

Possibly the Attorney General has some explanation before I get wound up on this. I have to tell you, we should try to avoid getting involved into criminal prosecutions when it basically appears to be a civil matter. Possibly you have some explanation.

Hon. Mr. McMurtry: As I indicated last week, we wanted to get as much of the background from the local Crown attorney's office as possible before responding. We are in the process of doing that. I don't have the information; I do know the local Crown attorney did seek an opinion from the ministry and the ministry did give an opinion on the basis of which this charge was laid. It is a matter under the Landlord and Tenant Act. It initially involved, as I recall—although I don't have a copy of the summons in front of me—a breach of the Landlord and Tenant Act.

The interesting thing is I might very well hear a question from the member for St. George, who has a number of tenants as constituents and is very sensitive to tenants' concerns. I might be hearing from her on another occasion as to why a Crown attorney didn't lay similar charges when the breach of the Landlord and Tenant Act could amount to a breach of the Criminal Code. So I guess it is a question to some extent as to whose ox is being gored.

Mr. Foulds: Whose ox is being gored?

Hon. Mr. McMurtry: That's right, whether it's your friendly landlord constituent or tenant constituent.

Mr. Foulds: Are you referring to your constituents as oxen?

Mrs. Campbell: Only if they are landlords.

Hon. Mr. McMurtry: In any event, I have undertaken to provide a response in relation to this and such a response will be forthcoming before the end of these estimates.

Mr. Roy: What you are saying basically

is you don't have the information to provide a full explanation at this time. But I do want to put on the record that I have serious concerns. The facts as I see them certainly indicate a dispute between two parties and one that can be resolved by way of civil courts or civil law, and are certainly not matters for criminal prosecution.

The great danger in these things is if somebody has a bit of weight, gets in touch with his local MPP, or gets in touch with some Crown attorney or is an important individual in a community, there is some perception on the part of the public those who have a bit of status can further their personal aims by way of criminal prosecution. It reflects on the whole system. And it is certainly not something that will enhance the criminal process.

I am saying basically the criminal process was intended to be a method whereby crimes against the community at large, crimes that per se appeared to be an offence or something the community could not tolerate, are deemed to be criminal offences. Over the years there have been attempts by a variety of companies and organizations to use the criminal courts to further their civil remedy. I can think of auto leasing firms who rent cars out and if the car wasn't returned according to the terms of the contract, and returned within the period of time, they would try to get the police to lay criminal charges pertaining to the theft of the car. In relation to cheques as well, I never knew the boundary, the line of demarcation between whether a cheque that bounces is an offence under the Criminal Code or an offence whereby you use your civil remedy and sue on the cheque. That is again a fine line it is difficult to draw.

Certainly on the facts given by my colleague from Huron-Bruce, I could not see it was a criminal offence. If that is the case I will be very, very surprised. Normally, one who has not been paid his rent further to an agreement takes whatever civil remedy is available to him. The most effective way I suppose is to cut off the water and lights or electricity. The individual then turns around and criminal charges are laid.

Mr. Lawlor: I think it is perfectly legitimate. That is what it was put into the statute for.

Mr. Roy: Oh, you are bubbling again. Surely you can't be serious.

Mr. Lawlor: And you voted for it.

Mr. Roy: My colleague to my left, the defender of so-called good.

Mr. Lawlor: You are talking nonsense tonight.

Mr. Deputy Chairman: Order. Could I ask

the member for Lakeshore please not to interrupt and the member for Ottawa East to ignore the interjections?

Mr. Lawlor: You can ask me if you want but it won't help.

Mr. Roy: Especially when he is talking such nonsense. I can't believe one who is a Justice critic would really feel this is a matter of criminal jurisdiction.

Mr. Deputy Chairman: Order, please.

Mr. Roy: My God, this man—well, I don't think we will ever see the day when he occupies that chair over there anyway, but in any event—

Mr. Lawlor: God help us if you do. Saying things like that.

Mr. Roy: —it would be a matter of grave concern for the whole province if he did. My God, if you feel that is in the realm of criminal law—

Mr. Lawlor: I am saying ditto.

Mr. Roy: —he'd have the police forces of the whole province running.

Mr. Deputy Chairman: Could I ask the member for Ottawa East to return to the matter in hand and to ignore the interjections?

Mr. Roy: That is what I was talking about, using the criminal process to further civil remedies. Strange sense of priority they have there to my left, I tell you.

[9:00]

Mr. Lawlor: Nonsense.

Mr. Roy: There is another matter I wanted to discuss within that field of when it's a civil remedy or when it's a criminal remedy. We're still getting complaints from certain individuals in our communities about this difficult situation when a court order has been made in relation to the custody of children. If the custody is either with the mother or the father and the father or the mother, in most instances it's in fact the father who comes along and takes the children in breach of a court order.

Mr. Lawlor: Where were you when we discussed this earlier?

Mr. Roy: My God, what's—

Mr. Lawlor: Yes, where were you? We've been over this.

Mr. Roy: Don't be such a pompous ass.

Mr. Chairman: Order.

Mr. Roy: We tolerated you, we rode you for two days when you weren't here. So don't come around here and try to tell us what to do.

Mr. Lawlor: You come in here late and use up valuable time.

Mr. Chairman: Order.

Mr. Roy: You've been drinking only water tonight?

Mr. Chairman: Does the member for Ottawa East consider that parliamentary language?

Mr. Roy: In looking at that member I consider it very parliamentary, very parliamentary.

Mr. Chairman: I think the member should withdraw that.

Mr. Roy: I'm not going to withdraw it. I just called him a pompous ass. I thought that was very parliamentary.

Mr. Lawlor: Coming from him that doesn't bother me. I called him a negligent nincompoop.

Mr. Chairman: The member for Ottawa East has the floor. Would he continue?

Mr. Roy: The point I was trying to make with the Attorney General was, is there any discussion taking place with various Attorneys General about solving this very difficult situation? We're into a situation where a lot of people think they can lay charges on their kidnapping or otherwise. Is it in fact a breach of the provisions—maybe it's contempt of court in relation to a court order.

Mrs. Campbell: I think it is.

Mr. Roy: If it is in fact contempt of court I say to the member for St. George in some circumstances that's a breach of the Criminal Code. I'd just like a few comments. I apologize if the matter was raised before but I just want to say to my colleague from Lakeshore we spent three days on these estimates earlier on when you weren't here and I'm sure that you haven't read every word in Hansard.

Mr. Lawlor: You know where I was.

Mr. Roy: I don't care where you were. You know where I was.

Mr. Chairman: Order.

Mr. Roy: The sanctimonious bunch to my left here feel that they have easy access, easy reasons for being here and not being here. We'll carry you. We'll continue to carry you and get involved decently in these estimates.

Hon. Mr. McMurtry: Mr. Chairman, I appreciate the case that was raised by the member for Ottawa East's colleague in respect to the landlord and tenant matter that ended up in a prosecution under the Criminal Code. I'd be prepared to concede

that is an unusual matter and I've given my undertaking to his colleague that I will review it very carefully. I've already indicated that an opinion is forthcoming from my ministry to that effect.

I certainly do intend to review it. Without yet having the opportunity of conferring with the individual who gave the opinion, I would be the first to agree that the criminal process should never be used to remedy what is basically a civil wrong, or serve a civil right.

I'm concerned about the matter and I've already indicated that I asked my staff a week or so ago to review it. I think it was just last week I was given particulars of the matter in the form of a copy of the summons that had been served on your colleague's constituent. I want to make it clear I support the general concern of the member for Ottawa East about possible abuse in employing the criminal process for what is essentially a matter of a civil dispute between two individuals. If it was wrongly exercised in this case, the Attorney General will exercise his prerogative and withdraw the case. If it's correct we will proceed. Again, the issue that is raised is a legitimate one and we will consider it very carefully.

In relation to the problem of childnapping, as it's often referred to, the kidnapping of children, we did discuss this earlier. I indicated that a number of provinces had passed uniform legislation which we were reviewing and which we think, quite frankly, can be improved upon. There is no legislation or international agreements between Canada or Ontario and any other jurisdiction in relation to this matter. It's a matter of enormous international concern. It's on the agenda of The Hague conference scheduled for 1980 in relation to matters of private international law.

There's no question but that it has serious international dimensions. The problems are more acute as they relate between nations as opposed to between states within one nation.

We are reviewing legislation that has been passed by the provinces. It's a matter that is of continuing interest to all of the Attorneys General in Canada and, as I've already indicated, of international concern.

Mrs. Campbell: Is the member for Ottawa East finished?

Mr. Roy: As a matter of fact, no.

As a matter of practicality I appreciate your looking at legislation between countries or between provinces, but even enforcement

within one province is a problem. Sometimes one moves from Ottawa to Toronto or Windsor and the enforcement becomes a problem because the police, by and large, even though one has a court order, will not act on it. That makes it a relatively difficult situation. You have to go through the process again.

For the purposes of jurisdiction within the province, I wonder whether it wouldn't be possible to enact guidelines or provincial legislation about the enforcement of these court orders dealing with children. If I have a court order from Ottawa and the person moves to Toronto and I advise the police of this, they will not assist the individual who has the court order to find the parent absconding with the children. And even though the absconding parent is found, you have to proceed by way of civil remedy to enforce it, even though there is a breach of a court order.

I wonder whether you as the chief officer and your Crown attorneys would not feel that in some way when one is clearly in breach of a court order that that isn't bordering on some type of contempt of court and a matter then for criminal prosecution.

Hon. Mr. McMurtry: It can be a matter for criminal prosecution and from time to time it is a matter for criminal prosecution. The police are very reluctant to enter into what appears to them at least to be domestic issues. For the police to be actively involved in enforcing court orders of this kind would detract from the role of the police department.

It may be that at some point in time the court system, in relation to this type of problem, should have sheriff's officers, for example, who might be empowered to enforce court orders. I am using an analogy between the court orders that may be enforced in some limited way by sheriff's officers. One has to be very cautious about treating it as a criminal matter.

Our experience to date has been a great reluctance on the part of police officers to enforce these orders which are really outside their jurisdiction, being essentially a civil matter. At some point in time, breach of an order can give rise to criminal contempt proceedings. I haven't looked at the criminal contempt provisions of the Code in relation to this type of order recently, but I have difficulty in acknowledging that is the appropriate remedy, in what is often a dispute between a husband and wife who

both believe they are acting in the interests of the child.

Mr. Roy: We still have the strangest set of priorities in this country. If a court, having looked at all the facts, makes a decision based on the best interests of the children that they reside with one of the two partners and one of the partners purposely defies the court order and does something which a court feels is not in the best interests of the children, we do not consider it to be something society will frown on or to be a matter of criminal prosecution. But if somebody is smoking a piece of hash down the street, he's committing a criminal offence. I can think of other criminal charges laid in relation to something much less deliberate than this.

Thinking out loud, I consider it to be a real problem and something with which Crown attorneys are forever wrestling. When do you move in and when don't you move in? I leave that for your consideration. We are going to have to look at it, because many instances of what you call childnapping are in my view more serious than many, many offences which are in fact under the Criminal Code or other quasi-criminal statutes. The police will not intervene and other law enforcement officers will not intervene, but do intervene for something which appears to be less of a threat to society or less an offence against society. You commented about the decriminalizing of certain offences under the Narcotic Control Act, Food and Drugs Act and things of this nature. We are going to have to look at some of our priorities—what is really a crime or an offence against society, as compared to something else.

Mrs. Campbell: Most of the discussion surrounding this matter tonight has dealt with the criminal aspect of these cases. I have an on-going and increasing concern as I meet with more and more mothers and it's usually mothers, but there are cases where fathers have had the same concern—who have had children taken from them and they seem to be powerless to restore them.

Reference has been made earlier to the reciprocal provisions in the family court situation and it is difficult. My friend from Lakeshore spoke about the problems between Windsor and Detroit. If he thinks it's a problem, perhaps he would look at the problem between Ottawa and Hull, which is just about as difficult a situation for someone in Ottawa. But where there is reciprocity, is this the area in which you are investigating some sort of arrangement which would not

have the criminal connotation referred to but which would be effective, or at least possibly effective, in re-establishing the interests of the child? To me that is the key to the matter—not the parent but the interests of the child. [9:15]

If the Attorney General is adding states to the reciprocal agreement every day, I trust he is at least giving the courts here the opportunity to have the necessary textbooks and case law, where that is relevant, so that they may come to some conclusions. There is not much sense in having reciprocity if you don't know what the law is that you are dealing with at the other end of the day.

Hon. Mr. McMurtry: There is no question that in dealing with child custody cases there is an enormous problem and we are reviewing it very carefully. I think the member for St. George does touch on one of the basic problems—that is whether to view it as a criminal matter as opposed to a civil matter. There has been great reluctance to treat it as a criminal matter. It has been the consensus of most of the Attorneys General, if not all of them, in the two years that I have been attending these meetings to treat it as a civil matter as opposed to a criminal matter.

What amounts to a civil contempt as opposed to criminal contempt has always been a bit of a grey area, namely, at what point does the contempt or disobedience get into the area where you can clearly say the administration of justice is being brought into disrepute so as to make it a criminal contempt as opposed to a civil contempt?

One of the difficulties—and there are no clear answers in relation to the child custody orders—is that the traditional role of the courts in any jurisdiction in respect to a child within their jurisdiction is to satisfy themselves as to the order they are making is in the best interests of the child, or just simply to rubber-stamp an order of another jurisdiction. Quite frankly, there is a reluctance on the part of some courts and the judiciary to be used as a rubber stamp when dealing with the welfare of a child within their jurisdiction.

All I can say is we are reviewing it. The concerns of the members are totally justified, and we would be very happy to have any suggestions they might like to offer.

Mr. Roy: In the light of the fact you are proceeding, and hopefully will continue to proceed with the establishment of French-language courts across this province, are you encountering any problems in the recruit-

ment of French-speaking Crowns or bilingual Crowns?

Hon. Mr. McMurtry: I think it's fair to say that we welcome additional applications from bilingual lawyers within the jurisdiction who would like to serve as Crown attorneys. It is a problem.

Item 1 agreed to.

On item 2, civil law division:

Mr. Lawlor: I suppose it would be a great shame, without dwelling on it too long, I trust, not to mention the Dow Chemical case. It got some attention over the last weekend. It's still around, I believe, and will be. Would the Attorney General care to bring us up to date on that matter?

Hon. Mr. McMurtry: I was out of town for part of the weekend and regrettably missed the learned article that was published in the Toronto Daily Star on Saturday past in relation to this particular matter. Very little is mentioned in the article about the upwards of \$40 million being spent by the Dow Chemical Company in relation to pollution abatement equipment since the institution of this action.

Mr. Conway: What does that have to do with it?

Hon. Mr. McMurtry: As a matter of fact—

Mr. Conway: Should charge all of them.

Hon. Mr. McMurtry: —I think it was just prior to the last election I was about to give the legislative assembly the benefit of a very lengthy statement in the wake of a rather provocative statement from the leader of the New Democratic Party with respect to some of the unkind things he had to say about the motives—

Mr. Conway: No, I don't believe it.

Mr. Lewis: My statement was understated, it turns out.

Hon. Mr. McMurtry: —and the success of the government in relation to prosecuting this matter.

I am somewhat hamstrung by the fact there are very serious settlement negotiations currently under way in relation to this matter and I am reluctant to go into any detail. I'm advised, for example, all the fishermen affected by the pollution are parties to the settlement discussions through their counsel. In view of the fact I have recently communicated with our counsel, a very distinguished lawyer, Mr. Robinette, in relation to this matter and as he might at this very moment be sitting down with counsel on the other side, I'm reluctant to say very much about the lawsuit, other than I have had a number of discussions with Mr. Robinette

since I assumed my present responsibilities, indicating to him our interest in proceeding with the case and not just letting it sit or be stuck in the mud as was suggested by the Star headline writer.

Mr. Conway: In the fullness of time.

Hon. Mr. McMurtry: No, I think it's very probable I'll have something specific to say within the next several weeks about settlement discussions under way at present.

Mr. Mancini: It's only taken five years.

Mr. Lewis: It is more than that—seven.

Hon. Mr. McMurtry: As I indicated there is the amount of upwards of approximately \$40 million invested by the Dow Chemical Company in pollution abatement equipment. The lawsuit has encouraged many other industries to invest money in pollution abatement equipment.

Mr. Lewis: So that was the reason.

Hon. Mr. McMurtry: Furthermore, the research being done into this particular area of pollution has been quite considerable. Part of the problem has been caused by evolving scientific evidence; the fact the scientific base in relation to this type of problem is constantly changing. But a great deal has been learned about the problem as a result of this lawsuit.

Mr. Roy: You missed your vocation. You should be Minister of the Environment.

Hon. Mr. McMurtry: So despite the fact we seem to be burdened with a great amount of scepticism in respect to this lawsuit and although it is true I inherited it several years or more after its commencement, I am prepared to state I am satisfied the litigation has been very worthwhile.

Mr. Lewis: It is too much.

Mr. Warner: Who wrote it, the chairman of the board?

Hon. Mr. McMurtry: I will have more to say about it in a very few week's time. Hopefully less.

Mr. Lewis: Bravo. A superb performance. Now as the curtain falls, let's get to the point.

Mr. Conway: Now we can turn to the wall.

Mr. Chairman: Order! The member for Essex South.

Interjections.

Mr. Mancini: Thank you, Mr. Conway. I appreciate that.

Mr. Warner: Two out of three isn't bad.

Mr. Mancini: I believe the minister stated most of the affected parties had now received settlements from the company?

Hon. Mr. McMurtry: They are all—

Mr. Mancini: Negotiating?

Hon. Mr. McMurtry: The counsel is participating in serious settlement discussions.

Mr. Mancini: I want to ask the minister if this includes the fishermen from the ports of Kingsville and Wheatley from the riding of Essex South? As the minister may or may not know, those two ports were almost closed down because of the pollution in the pickerel. It was all due to the mercury contaminants. They have not received a penny from anybody.

Mr. Conway: All the Attorney General has to do is to read the charter. It is all spelled out magnificently there.

Mr. Chairman: Shall item 2 carry?

Mr. Lewis: No.

Mr. Chairman: The member for Scarborough West.

Mr. Lewis: I came in here intending to be passive—

Hon. Mr. Grossman: Promise?

Mr. Lewis: —but I have been provoked beyond endurance. I wanted to make one tiny, microscopic, uncharitable point.

Through the Chair, Mr. Attorney General, if I may point it out to you, you don't need a case of extravagant litigation in order to get a company to apply appropriate environmental controls. We have in this province, something called legislation. And if the Ministry of the Environment had any muscle at all, it could have persuaded the Dow Chemical Company to conform to the standards which we have established, whether it is the Ontario Water Resources Act or the Environmental Protection Act, without having to go through this grandiose, pre-election gesture of a suit against Dow which you have now inherited and in your own splendid and mellifluous way are dealing with in the Legislature tonight.

However, because I like you and because I don't see any great need to prolong this for another seven years, God knows—

Mr. Conway: As much as you like Frank?

Mr. Lewis: —I wanted to ask you to identify a little more the revelation of tonight because this is really interesting. This is the first time in six and a half years anything specific has been said about the Dow Chemical suit other than "waiting for the rejoinder to the reply to the rejoinder to the rebuttal." The suit was launched in March or April of 1971, am I right?

It had to be 1971. That was the election year and I think it was March or April.

Hon. Mr. McMurtry: Thereabouts.

Mr. Lewis: Thereabouts. And now it is, I guess, six and a half years later. Are you saying, Mr. Attorney General, if I can just get it clear in my mind, you think there is now a chance of an out-of-court settlement at least equivalent to the prolongation of the suit? Are we to believe, if you are balancing the two, there may indeed be an out of court settlement in the Dow affair?

Hon. Mr. McMurtry: I don't quite understand the question in relation to balancing the two—the prolongation of the law suit on the one hand and the possible settlement on the other. If there is a settlement it will only be, for example, if the fishermen who are represented by various counsel are prepared to accept such a settlement, quite apart from the position of the government. I just want to make it clear—

Mr. Mancini: What about the people who want to use the lakes?

Hon. Mr. McMurtry: —we do not have total control over the matter insofar as the interests of individual fishermen are concerned. They are represented by separate counsel outside the government.

[9:30]

The review, made up of thousands, tens of thousands of documents, has been completed. The counsel for the government, Mr. Robinette—and I think he is a pretty good judge of this matter—indicated it was the most complicated case ever to come before the courts of this country. All I can say, perhaps this is not much in addition to what I have already said, is serious settlement negotiations are under way and have been under way in the past few weeks.

Mr. Lewis: No, no.

Hon. Mr. McMurtry: I appreciate the legitimacy of the member for Scarborough West, the leader of the New Democratic Party's interest in settlement negotiations. This is a very sensitive area and I think you can appreciate I really can't be very specific about settlement negotiations other than to state I am advised they are ongoing at the present moment.

Mr. Lewis: No, no, perish the thought I would ask you for specifics lest you not have an answer. I know you can plead sub judice or whatever the Latin pronunciation is because God knows it has been going on forever, hasn't it? This is one of the great cases behind which one can hide. But you see, I suffer the same problem as the leader of the official opposition. Alas, I only had two bouts of legal training. As you know, I was bounced out of both law schools. As

a matter of fact, one of them I even left voluntarily. So I have utterly no capacity to handle this subject. I don't even have in front of me an eloquent and a distinguished satrap to turn to.

Hon. Mr. McMurtry: If it will make you feel any better, you have got more capacity than the others.

Mr. Lewis: But I want to understand exactly what you are saying. As I recall, there was a sum of \$35 million and it was divided. How I wish I had that inflammatory document I issued in advance of the campaign which you didn't get a chance to reply to. As I recall, there was a \$25-million sum and a \$10-million sum. The \$25 million was what the government effectively was suing for. Now, are you saying to me there might be an out-of-court settlement for the fishermen, assuming their legal counsel are able to arrange it? I understand that is a privileged matter and not to be discussed. Even if there is an out-of-court settlement, will you as the Attorney General through Mr. Robinette continue to pursue Ontario's case against Dow for the remainder of the suit, whatever a judge may one day determine our rights to be, if the case is won? Is that what you are saying?

Hon. Mr. McMurtry: That is a possibility, yes.

Mr. Lewis: So you are not. So there isn't a settlement on the sort of government hand as well as the court?

Hon. Mr. McMurtry: No, that is very much a part of the settlement discussions because the government, of course, has to be sensitive to the rights of the fishermen. Of course there is the issue, a rather interesting issue, as to damages so far as the public are concerned as opposed to damages suffered by the individual fisherman.

Mr. Lewis: Yes, as I recall when it was announced, you talked of the broad damage to the environment and that the public might claim generally, as well as the specific financial loss suffered by the affected fishermen. I want to draw it from you, are you saying there is a possibility of a settlement on both scores?

Hon. Mr. McMurtry: Yes.

Mr. Lewis: Ah ha! Now that is what I meant in my own desperately frantic, amateurish way.

Mr. Reid: You are not a lawyer.

Mr. Lewis: Well, I am trying.

Mr. Reid: You are not allowed.

Mr. Lewis: You know, I have the member

for Lakeshore (Mr. Lawlor) on one hand and the member for Ottawa East (Mr. Roy) on the other, and I am leaning more and more to the left as I go. Help me.

Mr. Roy: Then you will go senile.

Mr. Conway: Oh, but for the member for Riverdale (Mr. Renwick).

Mr. Lewis: That is what I meant, Mr. Attorney General, when I asked will it be settled out of court or will the suit continue? Will there be a prolongation? What I am trying to assess here tonight is what must be considered a breakthrough in the saga of the Dow Chemical Company.

You see, for you it is nothing. You are a mere novice in this Legislature. You are just a young fellow who popped into the Attorney General's portfolio and you have only been around a couple of years. Some of us were here when it was initiated, man.

Mr. Reid: The suit is older than you are.

Mr. Lewis: We watched it for six and a half painful years. You have to be an equestrian to handle it. I just want to remind you, therefore, whereas you can frivolously—well it's not frivolously—toss it aside comfortably and say there may be a settlement, that's like thunder pealing from the heavens. That's the kind of thing that has not happened.

Mr. Reid: We have heard that before too.

Mr. Lewis: He said an out-of-court settlement. He actually implied the possibility.

Mr. Reid: How many times was it going before the courts? He is a dreamer.

Mr. Lewis: That was within the process of litigation; this is out of court. I want to hear you say it once again because it's nurturing me. I'm truly enjoying it. Just say once again for those of us in the House that there is a possibility, both for the fishermen and for the claims of the province of Ontario, there will be a settlement, and add that sweet little addendum of yours, that you expect to make a statement on it within the next few weeks. I heard you say that, did I not?

Mr. Conway: Here comes trouble.

Mr. Lewis: The Minister of the Environment (Mr. Kerr) is coming in and he looks more exercised than I've seen him in a very long time, which is to say he's vertical and hastening. I'll leave it there but I wish Hansard to note the energetic nodding of the Attorney General's head as I put the proposition that a settlement was in prospect.

Hon. Mr. McMurtry: I want to respond just briefly and say our prime concern at the present time is the interest of the fishermen who have been affected. That is a

major concern. I think it's public knowledge now that the potential for recovery of the river system is infinitely more optimistic than it was several years ago. I think it's fair to say our paramount concern is the rights of the individual fishermen who were affected by this pollution.

Mr. Reid: Could I just have a second? I just want to add to Hansard, following the leader of the NDP, that for Hansard's sake it should show that when the Minister of the Environment came in, the look he gave the Attorney General was "What are you saying now, Roy, because that ain't the way it is?"

Mr. Roy: I have just a few comments on this case. It was mentioned by that very eminent counsel that this is one of the more complex cases that he's had before the court.

Hon. Mr. McMurtry: The most complicated ever to come before the Canadian courts.

Mr. Lewis: The most complicated?

Mr. Roy: I think that gentleman has handled cases of that complexity. I can recall when I was going through my bar admission course here he was on a 100-day trial involving Texas Gulf. I think the trial went on for close to 200 days.

Mr. Lewis: Yes, I recall when I failed my exams the first year.

Mr. Roy: The other thing I found interesting is that the Attorney General should say the government's main interest or high priority is the welfare of the fisherman. That appears to be somewhat cynical in the sense that the case has been going on for six and a half years. I would have thought, in view of its high priority about the fishermen, somehow we could have had something more expeditious in six years. As I understand from the last report I heard, you weren't even at the discovery stage. I wasn't sure whether you ever got to the discovery stage. I am looking at the Minister of the Environment. Did you ever get to the discovery stage of this case?

Hon. Mr. Kerr: I am sure they have. Ask him.

Mr. Roy: I'd better ask him. Okay, I will.

Hon. Mr. Grossman: Stay around for his estimates.

Mr. Roy: We have a case in which a writ was issued back in March or April 1971 and, as I say, I don't know if it has ever got to the discovery stage. That is a stage, generally speaking, on an ordinary case one would get to after three, six months, or a

year at the most after the writ was issued. In this case, it is six and a half years, and you're still not there. Clearly on the part of the public there must be some indication of two things. Either there's something terribly wrong with our rules of practice which will allow a defendant to escape an issue and escape his day in court for that period of time, or there's a lack of diligence on the other side, on the party that's pushing the action.

As much as we're pleased to hear about the possibility of settlement, I would hope that the settlement would not be one out of desperation or out of frustration on the part of the government—which has had not much success in arriving at a stage of having the issues heard before the court—that out of this frustration concessions are made which appear not to be the type of concession made at the time the action was originally initiated.

I really think that it's a worthwhile point we're bringing forward. We're pleased to hear the comments of the Attorney General and we will be following the terms. I take it as well, considering this is a matter of great public concern, that as in many civil cases, you will advise this House of the terms of settlement. Very often in civil cases the terms are not made public but in this case it would be important, in view of the great interest, not only on the part of the members here but, I'm sure, of the public of this province.

Following on from the great speech made by the minister back in 1971 about "the polluter shall pay," the public of this province are certainly entitled to know what, in fact, the terms of the settlement are. I only say this because very often a litigant to avoid bad publicity or otherwise will insist that part of the terms of settlement is that the terms themselves not be made public.

Item 2 agreed to.

On item 3; common legal services:

Mr. Lawlor: This is John Hilton's vote. I want to say hello to John and congratulate him for his numerous services. He's certainly one of the more splendid people we have to deal with in the Attorney General's estimates.

You've increased the number of complement in this area by five people. Where did you do that?

Hon. Mr. McMurtry: Mr. Chairman, may I take a moment or two to dig up this information as to where these four additional

lawyers were assigned in the government service?

Mr. Lawlor: It's five.

Hon. Mr. McMurtry: Is it five?

Mr. Lawlor: While they're looking it up, this is the vote in which—

Mr. Chairman: Order.

Hon. Mr. McMurtry: It was four lawyers, Mr. Chairman, and one administrative secretary.

Mr. Lawlor: Do you know where they have been located?

Hon. Mr. McMurtry: We're looking for that information right now. It may take a moment or two.

Mr. Lawlor: This is the vote in which in the last few years it's been decided that all the lawyers advising any particular ministry of the government would all fall within the pool of common legal services and the Attorney General, so they are primarily attached, I take it, to your office and seconded out to the various other ministries. You're paying their salaries and not the other ministries. But the other ministries reimburse you, do they not, for the services involved in this particular area? I don't think because of the shortage of time I should spend any more time on this.

Hon. Mr. McMurtry: The comments of the member for Lakeshore are correct in relation to the payments. The four lawyers are replacing—I'm sorry I don't have this right away, Mr. Chairman, but they're not additional people, they're replacing people who have either left or retired. I'm sorry that the member for St. George isn't here, but I'm pleased that the member for Beaches-Woodbine (Ms. Bryden) is because of the four lawyers that replaced those who retired three are women and one is male.

Mr. Lewis: Ah, ha. Out of the total complement of 219, three are women.

[9:45]

Hon. Mr. McMurtry: No, the total complement to date is 92 men, 25 women, which is a much larger percentage of women than are practising on a relative basis in the profession. I only like to make that comment in passing.

The four lawyers are one to Consumer and Commercial Relations, one to Environment, one to the Solicitor General and one to Health.

Item 3 agreed to.

Vote 1304 agreed to.

On vote 1305, legislative counsel service:

Mr. Chairman: Any questions or comments?

Mr. Lawlor: I can't let Art Stone go by without being given some mention.

Mr. Lewis: He is one of the finest, as a matter of fact.

Mr. Lawlor: He certainly is.

Mr. Lewis: I think Art Stone rivals John Hilton for sheer nobility. You are, as a matter of fact, a very lucky fellow.

Mr. Lawlor: I particularly want to thank David Phillips of the department in his assistance given over the past little while drafting private bills. I think that should be mentioned.

We are slowing down, though. We have to admit to a certain senility or some kind of general debility that's taking place in this area. I was looking at the report from last year. The monumental year was 1971 when we passed 2,002 pages of legislation. You will note that in your record of more recent date, that's quite a come-down against that.

The total number of pages on the statute book in 1973 were 1,750. It went down the next year to 1,650; next year, 1975, to 1,100. In 1976 a mere, measly 895 pages. As a matter of fact, in each of these years the regulations drafted double the amount of the legislation itself. That, of course, is ironically commendable too. It comes out in the Ontario Gazette but otherwise it is hidden from view. That's just as much law as the law on the books itself and is contained in doublefold what we put through the House itself.

So, the enormous amount of drafting and work that these people do is really quite astonishing. No one around this building at least works harder and has a more demanding task to perform than legislative counsel in its task. I notice you are not increasing its complement very much one way or another at all.

I will just say before I sit down that in connection with that Court of Appeal case having to do with legislative privileges, one of the arguments used by counsel in order to knock down the case was that this Legislature, this assembly, possesses no privileges or prerogatives at all and that it is not, strictly speaking, a parliament. It was kind of an amazing argument. It took my breath away at the beginning anyhow.

He said, "Where can you put your finger on any legislation that indicates that when Ontario became part of Confederation in 1867, there was carry-over from the previous body to continue the privileges granted, as in the case of Nova Scotia through the British imperial statutes of the 19th century

and going back to the 18th?" So you couldn't put your finger on any element of determinate status; whatever might have existed prior to that time, under what are called the Colonial Validity Acts was no longer applicable after that date; it became absorbed into the British North America Act. The British North America Act covered the federal House, the Senate and House of Commons; section 18 confirmed the whole line and the whole panoply of privileges that were formerly enjoyed by the British House of Commons, this was done explicitly. But nowhere is it explicitly stated that this House possesses powers of contempt proceedings, powers of summoning individuals; free speech of this House, the whole thing, was called into question.

In the lunch hour I rushed up to the library and got hold of an old O'Connor, and O'Connor says we have the powers but they are all implicit. I am suggesting tonight that the legislative counsel, would perhaps do a little historical work for us. When they do the 1980 reformulation of the statutes and bring them up to date, they will embody whatever happens to exist back when, to establish where legislatively and legally this body stands; and what the range of our powers might be. I think it's just a little up in the air and not established.

There is certainly nothing that you can reach for immediately to give that solidity. It's a pretty vague piece of business, and quite astonishing when you come to think of it, that we are proceeding under all kinds of presumptions that may not very well have any roots.

If such statutes exist that apply to us, I think they should be embodied in the Revised Statutes of Ontario 1980, which they presently aren't. There's a whole host of legislation that sits out there, outside of those four bound volumes, which is governing law in this province. I would suggest to you that they be bound and encompassed in the statutes.

Mr. Roy: I want to concur with the comments made by the member for Lakeshore about our gratitude to legislative counsel for their excellent assistance. I think I can speak for all of my colleagues on the tremendous help he and his staff have always been in the drafting of legislation.

Possibly you could answer a question for me. Is it legislative counsel in fact who drafts the regulations as well?

Hon. M. McMurtry: I am sorry. What was that last one?

Mr. Roy: Are you not paying attention to what I am saying?

Hon. Mr. McMurtry: It's not that, but I missed that last half sentence. Yes, legislative counsel does.

Mr. Roy: Draft the regulations as well?

Hon. Mr. McMurtry: Yes. With respect to what the member for Lakeshore had to say, hopefully the Court of Appeal may give us some guidance in relation to what are the inherent privileges, constitutional or otherwise, of this particular Legislature. Once we have had the benefit of their wisdom, we can consider whether or not anyone else might explore this very fascinating region.

Mr. Conway: I think the member for Lakeshore has already hoisted the white flag of surrender.

Hon. Mr. McMurtry: I would just like to say a word or two about legislative counsel. I indeed would concur about what has been said about the excellence of legislative counsel; the excellence that I have witnessed in the past two years. One thing that has impressed me as Attorney General is the manner in which they deal, not only with government legislation but legislation presented by private members.

Quite unwittingly, and I perhaps shouldn't confess this but I will, in the context of the problem to which the member for Lakeshore was just referring and which is of concern to the member for High Park, namely the reference to the Court of Appeal: In the height of the concern over one very long weekend which I recall spending wrestling with this problem, I blurted out to legislative counsel one night on the phone—I think it was on the phone; maybe it wasn't—"I guess maybe the opposition are looking at legislation as well."

I was met with a total and very cool silence. In my relative inexperience, I had blundered into—it was sort of an offhand inquiry, I had just sort of assumed that. But I was very impressed by the manner in which legislative counsel, led by Mr. Arthur Stone, Q.C., considered any communication between opposition members and his office as totally privileged and it was not a subject of further conversation. In his own quiet way he made it very clear to me what his responsibilities were.

I just think that the services performed by these gentlemen—are there any women on the legislative counsel's staff? Not at the moment, I'm advised.

Mrs. Campbell: Don't ask those embarrassing questions.

Hon. Mr. McMurtry: I think their services are sometimes underestimated. We take this sort of service for granted, and I must admit I may have been vulnerable to that myself. I did have an opportunity to spend a few days at the Commonwealth law conference in Edinburgh this summer, and I was in a number of discussions with law officers of the Crown from other parts of the Commonwealth. I was very impressed with their concern about the difficulty they have in obtaining legislative counsel.

This is a talent that is relatively rare and very difficult to come by. One of the great problems facing the emerging nations of the Third World in developing their legislative system is the dearth of legislative counsel talent. Unfortunately, we don't have a very organized way of producing this talent in this country. I think the University of Ottawa can train half a dozen people a year, and offices such as our own office really are responsible for training counsel who join the staff in this highly specialized task.

I think all of us with legislative responsibilities have to reflect on the fact that we should issue directives to all of these people to sort of fly separately—"Don't fly together"—because if anything happened to our legislative counsel office, we would be in a very desperate position.

I only mention that, Mr. Chairman, to join in the very deserved accolades that have been passed towards this office from members opposite and to indicate how impressed I have been in my exposure to this very important office in the past two years.

Mr. Lewis: A footnote, Mr. Chairman. As my colleague from Lakeshore said sotto voce, it's such a deadly job. As a matter of fact, it is a greater occupational hazard than radiation and asbestos. The fact that legal counsel could survive the dint of dealing with legislation day in and day out, and always so quickly, so speedily and so willingly, is just astonishing.

We too are met with silence when attempting to—I don't pretend to have the guile of the Attorney General. We don't stumble into it. We try to probe and ask and push and bully and intimidate. It never works. But I have noticed that if you say to legislative counsel in the morning, "If we could possibly have this bill by tomorrow; if we get it quickly, it will embarrass the government," it's usually on our desk that afternoon.

Mr. Lawlor: Just one other question: I take it that legislative counsel doesn't draft legislation; that the tax legislation coming

out of the Ministry of Revenue, or some of it at least, is drafted over there, and perhaps perused—I'm not sure of this—and looked at by legislative counsel here. That's even more technical than the stuff they normally do; how does that work?

[10:00]

Mr. Roy: If they think they've got problems now, wait until they start drafting in French.

Hon. Mr. McMurtry: Yes; I'm advised that the understanding of the member for Lakeshore is correct, that is one type of legislation that is done mostly within the Ministry of Revenue and then polished up by legislative counsel in Mr. Stone's office.

Ms. Bryden: I'd just like to take the opportunity, under this vote when we're talking about personnel, to commend the minister—he may be surprised at receiving praise—for the affirmative action program which the ministry has undertaken. The report of the director of the Women Crown Employees Office gives fairly high marks to the Attorney General. On the other hand, just so he doesn't sit back and bask in the glory of this praise, I would like to point out that there's still much to be done, because the segregation index which I've mentioned before—

Mr. Lewis: That's what I'm doing just now here; writing a letter.

Ms. Bryden: —and which is supposed to measure the degree to which there's equal opportunity for men and women in the ministry taking account of their percentage proportion in the public service—the segregation index for his ministry between 1975 and 1976, and that's the latest figures we have, increased from 52.8 to 55.4. A perfect segregation index would be 38 per cent because that's the percentage of women in the public service, that would be equal opportunity.

Also, the salary gap between male and female increased. The earnings gap was \$7,500 between male and female; women's average salaries as a percentage of the average of males dropped from 59.5 per cent to 57.1 per cent. I think the minister should continue his efforts within the ministry to open up all the positions to women, but I do feel he has made considerable progress.

Mr. Lewis: I am just writing the Attorney General a letter about a QC, if he could just keep it in mind.

Mrs. Campbell: For you?

Mr. Lewis: Not for me; I would make a good legal clerk.

Hon. Mr. Grossman: What letterhead are you using? Not the orange stuff?

Vote 1305 agreed to.

On vote 1306, courts administration program; item 1, program administration:

Mr. Roy: I thought the first item would be a good place to discuss with the Attorney General and his ministry the progress we're making in getting additional courtroom space in Ottawa. Possibly this should be the area to discuss it in view of the fact that the courthouse that we're talking about—heck, did I use the word “courthouse”; we've been talking about a courthouse for 10 years, I hate to use that word when the Treasurer (Mr. McKeough) is talking about fiscal responsibility, but that's basically what we've been promised for all these years. I don't want to be unduly lengthy, especially in view of the fact that the member for Ottawa South (Mr. Bennett) may want to say something on the question of the courthouse facilities in Ottawa. He likely will support my comments.

Hon. Mr. Bennett: I met with your friends on Friday, Albert.

Hon. Mr. Kerr: He wants some empty buildings on the hill.

Mr. Roy: If he will not support my comments, possibly we could deal later on with the question of small claims court clerks. We could deal with them at a later time during these estimates.

Hon. Mr. Bennett: Great; is he doing a good job?

Mr. Roy: You got a great haircut, I know that.

I would like the Attorney General to bring us up to date on where we are going to have some facilities. Is the question of a courthouse in Ottawa out of the question completely? Where are we going with that?

Hon. Mr. McMurtry: Nothing is ever out of the question completely so far as the administration of justice is concerned. The member for Ottawa South, as a matter of fact, met with representatives of the Ottawa bar as recently as Friday to discuss the needed court facilities in Ottawa. Mr. Graham Scott, director of courts administration, has met with the courthouse committee in Ottawa in recent weeks.

There is some difficulty with respect to the building of a courthouse to accommodate all of the court facilities which would be the most desirable result from the standpoint of the profession in Ottawa and the public, and as far as the Attorney General

is concerned too; but there aren't the funds within the government's capital budget at the moment, as the member for Ottawa East can appreciate.

What we are trying to do at the moment is to locate provincial court facilities, which is the court which serves the greatest number of people in the Ottawa area. As the member for Ottawa East is well aware, there has been a great deal of controversy surrounding the location of these court facilities. There was a location recommended by Government Services which was out of the downtown area and which provoked a lot of controversy and opposition. It was suggested that this was too far out from the downtown core to serve effectively the citizens and the legal profession in Ottawa. What we have asked the profession to do is to indicate to us what would be a satisfactory area or areas in relation to these provincial court facilities.

I can fully appreciate the desire on the part of many of the practitioners in Ottawa, to hold out, as it were, for a courthouse. There can be no doubt this is a badly needed facility and there is no question but that there is no area in the province that is more in need of a courthouse than Ottawa. I think downtown Toronto is a very critical situation with respect to the location of the provincial courts, but St. Catharines and Ottawa share the top priority insofar as courthouses are concerned. Nobody would be any happier than myself in this Legislature or anywhere else, if we had the funds to proceed with a courthouse in Ottawa.

In the meantime, I would hope we will be able to find a location, at least for the provincial courts, which will serve the citizens of Ottawa in a much better fashion than the manner in which they are served by the present facilities, which I have never attempted to defend—

Mr. Foulds: Don't give them a courthouse like they have got in Thunder Bay.

Hon. Mr. McMurtry: —and which I have always indicated were quite unsatisfactory. I know the Minister of Government Services (Mr. McCague) has been very concerned about this and is as anxious as anyone to find the proper facilities. The Minister of Industry and Tourism (Mr. Bennett) in exercising his local responsibilities, had a very useful discussion with representatives of the Ottawa bar association, as I mentioned on Friday. At this present time we are waiting for a response, because we feel their advice in this area is worthwhile. We welcome it

and are presently awaiting their further advice.

Mr. Roy: I appreciate your giving your colleague behind you a few accolades about getting involved and I appreciate he is getting involved. But unfortunately, we would have had a courthouse in Ottawa had more of his predecessors been involved. God knows the Ottawa area has sent enough Tories back here to Queen's Park to say the word and to plead on behalf of the electorate. If these people had done their jobs, we would not always end up being the last area of the province to get roads, hospital facilities or court-houses.

Hon. Mr. Bennett: Come on! You don't really mean that.

Mr. Roy: It's got to be said, and the members opposite know it's got to be said. The Ottawa Tories were being out-hustled by the Tories from London, Hamilton, Windsor, Burlington and so on.

I appreciate that the Attorney General has only been in that particular position for two years and in fact I think he welcomes pressure to get facilities so we can get through to his colleague, the Treasurer (Mr. McKeough). I hope the Minister of Industry and Tourism (Mr. Bennett) gets to the Treasurer, because I think he has certainly got the support of the Attorney General. Possibly this is what it will take.

I don't blame the lawyers in Ottawa for not wanting to accept some temporary facilities, because the facilities at 1 Nicholas were supposed to be slightly temporary but we've been having courts in those facilities now for 10 years.

Hon. Mr. Bennett: Just like under the Liberals in Ottawa—everything has been temporary since the beginning of the war.

Mr. Roy: I don't understand what the minister's colleague is saying behind him; it's obviously irrelevant.

Hon. Mr. Bennett: You very seldom understand—

Mr. Roy: I just want to say that if people like the member for Ottawa South had been doing his job in the past, and not being hustled by his colleagues from other areas of the province, then we would have court facilities. In fact, if he had put more emphasis on things like courthouses instead of getting jobs for his friends, then we would have better things in the administration of justice. He never misses out on that; he's great for that sort of thing.

Hon. Mr. Kerr: Bring him to order.

Hon. Mr. Bennett: I'll tell you one thing:

It's helped in terms of hospitals and a few other things.

Mr. Roy: Mr. Chairman, we've got to keep saying these things. What I'm concerned about is we'll get some major tragedy in Ottawa. I say again that when the Chief Justice of the province comes down and the only place he can sit is in the basement of the Holiday Inn on Dalhousie Street, it's totally unsatisfactory.

Hon. Mr. Kerr: What's the matter with the Chateau Laurier?

Mr. Lewis: It puts him in contact with the proletariat.

Mr. Roy: And when we have a situation where people who are charged with serious criminal offences are using the same elevator as the judges—

Hon. Mr. Bennett: Terrible, terrible.

Mr. Roy: The minister says it's terrible. If he feels it is terrible, why doesn't he do something about it then? He's part of the government.

Interjections.

Mr. Roy: As a result, the inadequate facilities have put pressure on other ministries. The Attorney General is very fortunate that the member for Scarborough Centre (Mr. Drea) was not Minister for Correctional Services in the days when everybody was escaping from the local jail in Ottawa, because he would have been the one to speak up. We are putting severe pressure on that institution because we don't have the facilities to properly process the criminal cases in the Ottawa area.

The Attorney General has repeated one of the long discussions we've had; and I know he's trying to do his thing, but that's not good enough. I'd like to know what stage we are at now in relation to renting facilities. For instance, would a place like the new Rideau Centre not be a good place to have facilities? Has that been considered? That's right downtown; that would be renting facilities from the federal government. Possibly we should look at that facility.

Hon. Mr. McMurtry: We are.

Mr. Roy: Good. That is a step forward. I would suggest, if that works out, that perhaps we could look at some temporary facilities for two or three or maybe more courts which we could use on a temporary basis until the Rideau Centre is built.

I've got to say that the intransigence of the local bar is understandable. They feel that if they accept a half measure now, they'll never get their courthouse. It's unfortunate,

but one really can't blame them for the stand they're taking. The situation in Ottawa has been called intolerable, not only by people who are politically biased like myself, but every judge who has come down to Ottawa, including every Chief Justice who has visited the Ottawa area. The Attorney General, of course, says he's aware of it; he's embarrassed every time he comes down there. But I think these things have to be said.

I would hope that when we're looking at priorities—and I said this at the opening of the estimates, by the way.

[10:15]

I read over the weekend that in fact the percentage of spending in your ministry has come down, so I was right at the opening of the estimates. When you first became Attorney General you spent five per cent, and you're now down to 4.2 per cent; I read that some place, a report by somebody over the weekend. So in fact, Mr. Chairman, through you to the minister, anytime somebody says, "We have other priorities," well there are a very few priorities which should take precedence when the facilities are such that they in fact impair and undermine the whole administration of justice in that area.

I'm not only talking about Ottawa. I'm quite aware that the provincial court facilities in Toronto are atrocious. I'm not that familiar with the situation in St. Catharines, as the minister has mentioned.

Mr. Bradley: They're bad as well, Albert.

Mr. Roy: Are they pretty bad there as well?

So I say, Mr. Chairman, these are not luxuries, these items we're asking for now, they are absolute necessities on which we'll continue to press the minister.

I'm only sorry we don't get an occasion to go after the Treasurer (Mr. McKeough), because I don't think we have to convince the Attorney General.

Hopefully the member for Ottawa South can put pressure on the Treasurer and on the Premier (Mr. Davis) so we can get some of these facilities.

Hon. Mr. Bennett: They're priorities.

Mr. Roy: They are indeed.

Mr. Conway: We need a heavyweight, Albert.

Hon. Mr. Bennett: It certainly wouldn't be Albert.

Mr. Warner: Mr. Chairman, I have a couple of questions, since we're on the theme of courthouses. I certainly concur with the comments of the member for Ottawa

East. Can you tell us how long that Scarborough courthouse is going to remain on the shelf? Do you have any idea?

Hon. Mr. McMurtry: We don't, Mr. Chairman. Hopefully not long, but I wish I had the answer to that question.

Mr. Warner: As has been pointed out, pressure is on the court system in Metro Toronto; and as you have done with the jail system in diversifying, in putting jails in Scarborough and Etobicoke, obviously a similar system is needed for the courts and we could use a courthouse in Scarborough. It would be nice to know when it's going to come about.

One other item that relates to the administration of the courts; you are likely in receipt of a letter, dated November 16 of this year, referring to the incident which occurred on November 14, which was raised by the member for St. George (Mrs. Campbell) and followed up by myself, in respect to one Albert Strauss, an instructor at Osgoode Hall, and his comments in instructing a class.

The question was raised as to the use of bar admission material dealing with law office administration and the offensive comments made by that instructor, Albert Strauss. I'm wondering what is going to be done. It's been a week since that incident occurred. I'm wondering if the Attorney General has actually perused the material that is being used in the textbooks and if he finds that material to be offensive?

First, what is he going to do about Albert Strauss? Second, what kind of criteria do you establish when you hire instructors to work at Osgoode Hall to instruct our students whom we hope some day will be lawyers, and perhaps judges?

Mrs. Campbell: And Crown attorneys.

Mr. Warner: The letter, which you are in receipt of from the women in the faculty of law at the University of Windsor, dated November 16, says:

"As prospective students of the bar admission course and future members of the legal profession, we demand that positive action be taken to ensure that such incidents do not occur in the future." What are you going to do to make sure such incidents as the one which occurred on November 14 are not repeated?

Hon. Mr. McMurtry: Dealing with the Scarborough facility, I indicated that I unfortunately can't state when that facility will be taken off the shelf. The picture isn't totally gloomy as far as provincial courts are concerned. With our decentralization of the

provincial courts, we are in the process of opening up, or will have opened up by March, 11 additional provincial courts in the Scarborough area in rented space. There will be three they are replacing, so there's a fairly substantial increase there.

As for the unfortunate incident involving the instructor at the bar admission course, I indicated my concern by letter to the treasurer of the Law Society on Thursday last, as I indicated I would to the member for St. George. I followed up that letter with a discussion personally with the treasurer of the Law Society on Friday. He indicated it had been a subject matter of some discussion with the benchers of the Law Society because they regretted very much the incident.

I would like to remind the member for Scarborough-Ellesmere we are not responsible for hiring instructors in the bar admission course any more than the Ministry of Health is responsible for the hiring of instructors in the faculty of medicine, et cetera, down the road. These faculties or courses are independent of the government. The administration of the bar admission course is the responsibility of the Law Society of Upper Canada as part of the self-governing setup.

This doesn't mean the Attorney General or anybody else in the government should turn his back on the problem when it arises, because if any self-governing professional body can't keep its own house in order, then of course the government has an ultimate responsibility to intervene. There is certainly nothing to indicate at this moment that the Law Society and the administrators of the bar admission course aren't quite capable of dealing with that unhappy problem.

As for the material that was considered to be offensive, the material that was handed out or used by the bar admission court, I have not read it. I repeat I have indicated my concern to the treasurer of the Law Society. I communicated the concern of members of the Legislature to the Law Society and I am fully confident any problem that has arisen will be resolved.

Mr. Warner: Perhaps, then, the Attorney General could shed a little light on this particular line that's in the letter which I have referred to, dated November 16 from the faculty of law, University of Windsor? "Incidents of this type," —I am referring to what I have cited—"which go unchecked and unchallenged by the Law Society of Upper Canada derogate from the standards of conduct and propriety required by the members of legal profession. What has happened to the code of professional conduct which prescribes that a lawyer must discharge his

duties to members of the public and his fellow members of the profession with integrity?"

Perhaps you could shed some light on their comment that an incident of this type is not being dealt with by the Law Society of Upper Canada. Is that the case; and if so then what steps will you have to take to rectify the situation?

Hon. Mr. McMurtry: I haven't seen the letter. It may have arrived in my office, I just don't know at this point in time.

I think it's incumbent upon the individuals who have expressed their concern to be a little more specific as to what their area of concern is in relation to any other specific incidents. We are all quite aware of the unhappy event or occurrence in relation to the bar admission course and the one instructor last week. But there's responsibility on those who would state that the Law Society is not performing its responsibilities in this respect to indicate specifically, apart from the incident about which we are all familiar, as to what other incidents may be of concern to them. If there are other incidents, then again I am quite prepared to communicate the concern of the members of this Legislature to the Law Society; but I really do have some difficulty in dealing with a generalization of that nature.

Mr. Warner: What concerned me, aside from the incident, were the comments in the paper by the students about the textbook material. The textbook material then, obviously, based on your comments, has been approved by the Law Society of Upper Canada for uses in the courses.

Hon. Mr. McMurtry: Not necessarily.

Mr. Warner: Okay; it has been approved by some other body at Osgoode Hall then; somebody up there has approved that material.

Mrs. Campbell: It is down there.

Mr. Warner: Down there; well if you are in this place long enough you lose your sense of direction, that's for sure; I mean that's what happened to them over 34 years.

Mr. Gregory: Only on your side of the House.

Mr. Warner: I am sorry to have awakened the member from Mississauga; I apologize, Mr. Chairman.

Mr. Lewis: Better say which one.

Mr. Warner: Someone at Osgoode Hall has approved that material. I find that very disturbing, because that says to me that there are embodied in that group of people who are helping to organize the educational sys-

tem for lawyers, some inappropriate approaches to our world today.

Surely the ideas expressed by Mr. Strauss, and which apparently are embodied in the textbooks, are from a bygone age but haven't been buried yet.

That bothers me very much. It is not just the single incident, in other words, it's broader than that. If the textbook material is offensive, it was approved by those people up there giving the courses, and that says something about the attitudes of a great number of people who are instructing the younger students who are coming along hoping to be lawyers and judges in our system some day. That surely has to change.

Mrs. Campbell: Perhaps the Attorney General would answer to a specific: Has he ascertained what the Law Society did about the Outerbridge articles in 1974, which were addressed to legal secretaries and not to lawyers. What did they do about that? As far as I know, nothing.

It was a protest from people like me and others which removed it from the library, or so I am informed; but the Law Society didn't do anything about it so far as I know. Perhaps you would look into that too, in answering.

Hon. Mr. McMurtry: I gather the material that dates back to 1974, to which the member for St. George is referring, was removed. On whose initiative I don't know. If that is not the case I will pursue that as well.

I think in matters such as this, that an incident may have involved some complicity on the part of a few instructors who were giving a course to the bar admission students. I think complicity isn't perhaps the appropriate word, perhaps lack of sensitivity would be more appropriate.

Mr. Lewis: Complicity is not bad.

Mrs. Campbell: It's human nature, you might start there.

Hon. Mr. McMurtry: I think it's perhaps

more of an unconscious lack of sensitivity rather than any deliberate discrimination.

Mr. Foulds: By the glint in your eye 90 seconds ago, you might have thought it was a conspiracy.

Hon. Mr. McMurtry: I think incidents such as the one that has caused so much concern perhaps do serve a useful purpose, because I think the likely result of this incident is to create a much greater awareness, a much greater level of sensitivity among other individuals who are responsible for preparing course material. I'm confident people who are really well motivated and well intended—and I'm talking about the people who are responsible for the course material in the bar admission course—will be more sensitive in the future.

[10:30]

I can understand that a great deal of concern has been expressed about this. There are a number of us in the Legislature who do have growing daughters. Whether we are male or whether we are female, we must of necessity share these concerns. At the same time, it would be unfair to ascribe any malicious motive to anybody responsible for this branch of our legal education. As I have already indicated, I'm awaiting a response from the Law Society. When I have the response I will advise the members accordingly.

Mr. Chairman: Will there be further discussion on item 1? If so, this would be the appropriate time for a motion to rise and report. Just before the motion, I'd like to inform the committee there are four hours and 58 minutes left for discussion of the estimates of the Attorney General.

On motion by Hon. Mr. McMurtry, the committee of supply reported progress.

On motion by Hon. Mr. McMurtry, the House adjourned at 10:32 p.m.

CONTENTS

Monday, November 21, 1977

Estimates, Ministry of the Attorney General, Mr. McMurtry, continued	2083
Motion to adjourn, Mr. McMurtry, agreed to	2105

SPEAKERS IN THIS ISSUE

Bennett, Hon. C.; Minister of Industry and Tourism (Ottawa South PC)
 Bradley, J. (St. Catharines L)
 Bryden, M. (Beaches-Woodbine NDP)
 Campbell, M. (St. George L)
 Conway, S. (Renfrew North L)
 Edighoffer, H.; Chairman (Perth L)
 Foulds, J. F. (Port Arthur NDP)
 Gregory, M. E. C. (Mississauga East PC)
 Grossman, Hon. L.; Minister of Consumer and Commercial Relations (St. Andrew-St. Patrick PC)
 Kerr, Hon. G. A.; Minister of the Environment (Burlington South PC)
 Lawlor, P. D. (Lakeshore NDP)
 Lewis, S. (Scarborough West NDP)
 Mancini, R. (Essex South L)
 McMurtry, Hon. R.; Attorney General (Eglinton PC)
 Newman, B. (Windsor-Walkerville L)
 Reid, T. P. (Rainy River L)
 Rotenberg D.; Deputy Chairman (Wilson Heights PC)
 Roy, A. J. (Ottawa East L)
 Snow, Hon. J. W.; Minister of Transportation and Communications (Oakville PC)
 Warner, D. (Scarborough--Ellesmere NDP)



No. 57

Legislature of Ontario Debates

Official Report (Hansard)
Daily Edition



First Session, 31st Parliament

Tuesday, November 22, 1977

Afternoon Sitting

Speaker: Honourable John E. Stokes

Clerk: Roderick Lewis, Q.C.

CONTENTS

A list of the speakers taking part in the debates in this issue of Hansard appears, in alphabetical order, at the back of this issue.

Daily contents of proceedings also appears at the back of this issue. Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff. Phone 965-2159.

Hansard subscription price is \$15.00 per session, from: Sessional Subscription Service, Printing Services Branch, Ministry of Government Services, 9th Floor, Ferguson Block, Parliament Buildings, Toronto M7A 1N3. Phone 965-2238.

Published by the Legislature of the Province of Ontario.
Editor of Debates: Peter Brannan.



LEGISLATURE OF ONTARIO

TUESDAY, NOVEMBER 22, 1977

The House met at 2 p.m.

Prayers.

REMARKS ABOUT LAWYERS

Mr. Nixon: On a point of personal privilege while the cabinet is gathering, I want to make it abundantly clear, sir, in spite of the report of my remarks in the *Globe and Mail* of this morning, that while my comments were critical of the legal profession yesterday I had no intention of singling out any individual lawyers and certainly no lawyers as members of this House, both present and past.

STATEMENTS BY THE MINISTRY

AGRICULTURAL HALL OF FAME

Hon. W. Newman: Mr. Speaker, I am pleased to inform the members that at a recent meeting of delegates from the major agricultural organizations, support was given to the establishment of an Agricultural Hall of Fame for Ontario.

The objective of the Agricultural Hall of Fame will be to give formal recognition to the many men and women who have, by example and deed, paved the way for the extraordinary developments that have been made in organization, in production, in marketing, in education and in all other phases of agriculture.

The 50 people who attended the meeting, which was held at the Agricultural Museum two weeks ago, asked me to appoint a steering committee to draft a constitution and develop operating guidelines. I am now in the process of choosing the committee members.

The Agricultural Hall of Fame will be located at the Ontario Agricultural Museum.

I think the members will agree that people who have made significant contributions to agriculture have in so doing made important contributions to society at large. It is fitting that we honour them in this way.

TRAINING SCHOOL DEATH

Hon. Mr. Norton: Mr. Speaker, it is with deep regret that I announce the death last night of a 15-year-old youth who was a ward of the Hillcrest Training School in Guelph.

The youth was pronounced dead at the General Hospital in Guelph, following his being found by a staff member unconscious in his room.

The coroner's office conducted a post mortem this morning and I expect to hear the results of it later today. I understand that in the circumstances an inquest is mandatory and the date is to be announced by the local coroner.

This tragedy is under investigation at the present time, both by the local police and by senior officials of my ministry, and is being investigated as an apparent suicide.

Our staff notified the parents of the child last night, in person, and a chaplain from our ministry, the Reverend Hinson MacLeod, was with the family.

I will keep the hon. members informed, as more information is available, on the progress of the investigation and of the date of the inquest.

ORAL QUESTIONS

AUTO PACT

Mr. S. Smith: I will address this question to the Minister of Labour, although frankly, Mr. Speaker, I would have preferred to address it to the Premier (Mr. Davis), or the Treasurer (Mr. McKeough), or the Minister of Industry and Tourism (Mr. Bennett), none of whom is here. However—

Hon. B. Stephenson: I hate being fourth fiddle.

Mr. S. Smith: —fourth fiddle, Madam Minister. I am sure she will still be very melodic and moderate. I wouldn't want in any way to denigrate her position.

In view of the fact that the Ontario Federation of Labour will be presenting its brief shortly to the cabinet and that its brief outlines, as you know, the dismal situation in the manufacturing sector in Ontario, particularly with regard to the need to renegotiate the auto pact, what is the government doing to make clear to the federal government that this province demands the renegotiation of that pact so that the number of jobs in Canada in the auto and auto parts industry will be proportionate to sales of autos in this country?

Hon. B. Stephenson: I hesitate to answer this question in a non-melodic voice, as was suggested that I might do, because I have suddenly obviously become a bass today.

Hon. Mr. Davis: Just temporarily.

Mr. Foulds: Two esss.

Hon. B. Stephenson: No, no, none of that, just voice. At any rate, I would like to assure—

Mr. Conway: You have never been accused of being base before.

Hon. B. Stephenson: Only by you.

I should like to assure the leader of the official opposition that Ontario has made strong representation to the federal government regarding the need to renegotiate the auto pact. The Treasurer has had frequent communications, I am aware, with his counterparts in Ottawa about this specific matter and I think Ontario's position has been very well put. We are very much concerned about the need to redress some of the imbalances and inequities that have developed as a result of the present arrangements under the auto pact and that position has been strongly put.

Mr. S. Smith: By way of supplementary, does the minister not agree that it would really help our negotiators at these international negotiations if there were a public outcry and there were seen to be very strong groups in the community and very strong governments demanding certain action of a government? Under those circumstances does she not agree that it is important for Ontario to take positions strongly, forcefully and publicly, so it will be clear to everyone there is a crying need for redress in this situation and that we will not take some type of fobbing off by either the federal government or the international negotiating team, but demand action publicly? Why is the minister so quiet about it?

Hon. B. Stephenson: Mr. Speaker, I am not at all sure that the members of government have been particularly quiet about this specific situation. Perhaps it's not couched in such ferocious language as the hon. Leader of the Opposition would wish. But I think the Treasurer has made his position clear publicly regarding the auto pact and I think that's been echoed by the Minister of Industry and Tourism as well.

I think that the position which has been stated by some members of the Ontario Federation of Labour has echoed it rather strongly and we are in support of that position. We believe that this whole problem does need to be reassessed in order to make sure that the position for Canada is more equitable.

We can try couching it in language of vigour, if the member likes and perhaps that will solve some of the problems.

Mr. S. Smith: You could try.

Mr. Makarchuk: Supplementary: In view of the fact that at this time there is no assurance that the auto pact will be renegotiated and we have no assurance that we are going to get the contract for the pipeline, is the minister prepared to collect all the cabinet ministers in the federal government, the members from those localities, call a public meeting with the members from those areas present, and with the press present and tell publicly that this has not been negotiated to the benefit of the people of Ontario and make sure that the people in the area know that this is going on?

Hon. B. Stephenson: If and when it becomes apparent that the negotiations have not been carried out to the benefit of the people of Ontario, that's an interesting suggestion which will be seriously considered.

Mr. Deans: I think it is becoming apparent now.

Hon. B. Stephenson: No, it's not. It is not yet.

Mr. di Santo: Supplementary: This is a supplementary to the first question. Is the minister telling the House that the government has changed policy? The Treasurer not later than two weeks ago said during the estimates that a renegotiation is not necessary and in the last year in a budget paper on the auto pact he said that the normal review was necessary.

Is the minister telling the House that now the government is supporting the renegotiation of the auto pact, in view of the negative effects—especially on the parts industry of Ontario and the unemployment caused, especially in southwest Ontario?

Hon. B. Stephenson: I'm not sure that the Treasurer was specifically referring to the situation in southwestern Ontario. If he said something of what I gather the hon. member has suggested during the estimates I have not heard about that. But certainly there has been much discussion about certain specific portions of the auto pact which must be improved if the situation is to improve for Ontario industry. As I said, representations have been made about that.

Mr. Speaker: Final supplementary.

Mr. Davidson: Supplementary: In response to the second question or the supplementary put by the leader of the official opposition the minister talked in terms of reassessment rather than renegotiation. Can she tell me

what that means on the part of the government, to reassess? There is quite a difference between reassessing and renegotiating a contract that exists.

Hon. B. Stephenson: I think it must be widely understood that assessment and reassessment of the effects of the auto pact are absolute essentials to the development of a position before renegotiation. That's what I meant.

Mr. di Santo: That was done in the budget last year.

HYDRO CONTRACTS

Mr. S. Smith: With some trepidation I address a question to the Minister of Energy. I feel I should be given a bonus question for doing this, but anyway.

Since the essence of the Global Television news report last evening seemed to indicate there were no schedules and no cost estimates issued on April 13, 1977, despite the fact that a letter to Lummus refers to them, that a letter to me from Chairman Taylor refers to them, and that a letter to the minister from Chairman Taylor refers to them, would the minister care to make some comment on the results of his investigations into the matter? Do these schedules exist? Is the television newscast correct? If they don't exist, how does the minister tolerate this kind of business attitude on the part of Ontario Hydro?

[2:15]

Hon. J. A. Taylor: Mr. Speaker, I would suggest the Leader of the Opposition take that matter up with the select committee. As he knows, this whole matter will be considered by a select committee and I would suggest that would be the appropriate place to do that.

Mr. S. Smith: What's the oral question period for?

Mrs. Campbell: In other words you don't know the answer to that either.

Mr. S. Smith: I suppose it is an improvement over the minister telling me I shouldn't ask him questions in the House.

By way of supplementary, given the fact that no select committee exists as of the moment for me to take that question up with, would the minister kindly answer the question as to whether there really are cost estimates and schedules issued on April 13, 1977, which are referred to in the so-called ultimatum regarding this half-billion dollar enterprise?

Hon. J. A. Taylor: Mr. Speaker, may I just correct the Leader of the Opposition? I

have never suggested that he not ask me questions. What I did, as a matter of fact, was invite him to ask me questions.

Mr. S. Smith: Outside of the House.

Mrs. Campbell: Which you don't answer.

Mr. Kerrio: Questions are easy.

Hon. J. A. Taylor: I would hope maybe the day will come when the Leader of the Opposition will see fit to discuss complicated issues with me without having to avoid me outside of the Legislature.

In terms of those schedules, yes, I fully expect they are available and if he would like them then as in other matters I would be delighted to co-operate with him and provide him with whatever information he wishes.

Mr. S. Smith: Will the minister table them? Will he table such schedules and cost estimates in the House?

Hon. J. A. Taylor: Yes, Mr. Speaker, I have no hesitation in tabling any of those documents related to the contract. I may say that I have tried to make that clear to the Leader of the Opposition for many months—

Ms. Gigantes: Why don't you just table them?

Mr. Davidson: Why didn't you just say it instead of beating around the bush?

Hon. J. A. Taylor: —but it has just not been his style to contact me in connection with this matter.

Ms. Gigantes: Come and do private pleadings, eh?

NURSING HOMES

Mr. Deans: Mr. Speaker, I have a question of the Provincial Secretary for Social Development. Given that we now have a second report on nursing homes which seems to indicate that there is a major problem with regard to nursing homes in the province not being prepared to accept those who are very ill, over and against those who are less ill but can get extended care, what action would she contemplate recommending to the Minister of Health—who is just coming into the House—with regard to policy shifts that would guarantee that persons in need of nursing home care in terms of being sick are, in fact, given first priority?

What is she going to do to provide a sufficient number of beds in order that the people who are currently being moved out of active treatment hospitals are given the opportunity and given some place to be placed in the province within reach of their homes?

Hon. Mrs. Birch: Mr. Speaker, now that the Minister of Health is in the House I would respectfully suggest the member direct the question to the minister.

Hon. Mr. Timbrell: Mr. Speaker, I think that the report to which the hon. member refers is in this morning's *Globe and Mail*. The headline refers to a nursing home, but the facility in question is a home for the aged.

Mr. Deans: There are two of them; two articles.

Hon. Mr. Timbrell: Oh, I am thinking of a different one. As far as extended care is concerned, and this is something which we—in answer to the question from the press gallery the answer is yes.

As we discussed in estimates yesterday, there is a requirement in the nursing homes that a minimum of 75 per cent of the beds be retained for extended care patients. In addition, we discussed and it was agreed—and this is something which I am working on with my colleague, the Minister of Community and Social Services—that we do have to develop across the province a system of assessment and placement agencies which will have the ability to put people, as much as is possible, into the type of institution or home, whatever we want to call it, which best suits their needs.

For instance, there was one referred to yesterday in estimates and I will get to this later on. The member's colleague from Scarborough-Ellesmere (Mr. Warner) asked about a particular home and what is done there.

In checking this morning, we find that 99.2 per cent of the beds in that home are, in fact, occupied by extended care patients. We do, from time to time, come across instances where maybe the home is being asked to go to 78 per cent or 80 per cent beyond the minimum required and finding some resistance because of the extra care involved, staffing, time and so forth. That is where I think a series of assessment and placement agencies will be of assistance to us.

Mr. Deans: I have two supplementary questions: The first is, does the minister recognize that in the Ottawa area, where he already has an assessment patient placement agency in operation, there is a six-month waiting list; that there are perhaps more than 300 persons on that waiting list; and that there simply aren't a sufficient number of beds to accommodate the people who require them? What is the point of having an assessment operation if the minister doesn't have anywhere to put the patients who need the beds?

Hon. Mr. Timbrell: I have two comments in reaction to that, Mr. Speaker. First of all, it must be acknowledged that the few assessment placement agencies we have right now, don't have the kind of authority that I certainly envisage assessment of placement agencies eventually having. Right now, it is a matter of persuasion, coercion or whatever, to get people properly placed.

The second thing is that I think this is part of an overall problem—which I have certainly discussed with a number of the Ottawa members from time to time—as to how beds in all kinds of facilities in the Ottawa area are being used. And, as you may know, we do have under way, under the auspices of the district health council and with co-operation from the faculty of medicine at the University of Ottawa, a study on the long-term needs of Ottawa-Carleton. Included in that—in February, although I wouldn't want to be held to that date—will be a one-day census of who is in what kind of bed and where they are from.

That is an added dimension to the problem in Ottawa—the number of beds in the Ottawa area being utilized by persons from outside of the Ottawa-Carleton region. I am told by my staff that we have nursing homes with empty beds not too far away in nearby counties. So it may be that we have to better co-ordinate among the various counties and regions to try to keep people in appropriate facilities.

I recognize that it is a problem. I haven't heard the number of 600.

Ms. Gigantes: It's 300.

Hon. Mr. Timbrell: Sorry, 300. Is that in connection with any one particular home or in general?

Ms. Gigantes: That's general.

Hon. Mr. Timbrell: I hadn't heard that. I would want to think about whether that's an appropriate figure. We'll always have some waiting list. I know from my own experience in the past, sitting on the board of homes for the aged, that we always anticipated having some waiting list. It's just a question of whether that's appropriate or inappropriate for the number of facilities and beds and so forth available.

Mr. Davidson: Oh, come on!

Mr. Sweeney: Supplementary: Given the fact that the estimates report of the minister's predecessor for 1975 and 1976 and the present minister's report this year for 1977 all clearly point out that a hospital bed is at least seven to eight times more costly than a nursing-home bed, how long do we

have to wait for this reassessment? The ministry has known for three years.

Hon. Mr. Timbrell: Mr. Speaker, let's put a couple more things on the record. First of all, since October 1975 there has been a freeze put on the ministry by the Management Board of Cabinet for new nursing-home beds. Secondly, if one looks at the planning ratios for nursing-home beds, the province is as a whole over-bedded in nursing-home beds.

Mr. Roy: Except in the Ottawa area.

Hon. Mr. Timbrell: Thirdly, over the last few years we have begun to develop some alternatives, not the least of them being chronic home care. I will, late this week or early next week, be tabling the initial assessment report on the chronic home-care program. And that is even less expensive.

Mr. Sweeney: It is more expensive.

Hon. Mr. Timbrell: It is even less expensive than an extended care bed in a nursing home. So we are trying to ensure that there is a wide range of services. But the point is that there will, in fact, be some waiting lists.

I guess it is the ideal but I don't think we could afford to have on any one given day no waiting list at all for anything. That is unrealistic.

Mr. Deans: Since we don't appear to have a sufficient number of nursing-home beds, we don't appear to have a sufficient number of chronic care beds in the province of Ontario, and since the minister has been systematically reducing the number of active treatment beds in the existing hospitals, what is wrong with working out a program that would allow people in need of nursing home care or who are at the chronic care level to be kept within those hospitals and to provide that level of care at the reduced cost? What is wrong with doing that?

Hon. Mr. Timbrell: I think, perhaps, if the member has an opportunity to come to estimates committee we can probably get into it in more detail than question period allows. When one talks about keeping them in a hospital at the lower cost let's first of all establish that one would have to be talking about establishing a chronic unit—

Mr. Deans: Then do it.

Hon. Mr. Timbrell: —and by and large you're talking in terms of twenties, thirties and forties as the numbers of beds for viable chronic units. That has been going on in a number of hospitals around the province—the conversion to chronic. We have the conversion of the old Mount Sinai just down the

street from this chamber; this will be finished soon and will bring on 300 more chronic beds.

Mr. Roy: It was empty for three years.

Hon. Mr. Timbrell: And there is the rebuilding of the old Dunn Avenue campus of Queen Elizabeth, being rebuilt for chronic care; and the conversion of the Salvation Army Grace Hospital to chronic, just thinking of the Metro area.

Mr. Deans: That's converting a whole hospital. I'm not talking about that.

Hon. Mr. Timbrell: So it has been going on. I have a number of policy matters to discuss with my cabinet colleagues in the near future. The member's suggestion is a good one and certainly not altogether out of line with the ministry's thinking.

Mr. Conway: In an earlier response to the member for Wentworth the minister indicated that from this point of view he would like to see some very major strengthening take place in that assessment placement process, I wonder if the minister could share with us this afternoon what specific proposals he envisions for that strengthening.

Hon. Mr. Timbrell: Not at this point, Mr. Speaker. As I indicated, it is being worked on between my ministry and that of my colleague, the Minister of Community and Social Services, following which we will seek approval for whatever is the conclusion of our work from the social development committee of cabinet and then finally of cabinet and Management Board.

HOSPITAL BED RATIOS

Mr. Deans: Mr. Speaker, I've another question for the Minister of Health. Is there truth to the rumour that it's the intention of the Ministry of Health to reduce the proportion of beds to population from four to some lower figure, 3.75 or 3.5 in the province of Ontario?

Hon. Mr. Timbrell: That's a rumour that I started; unlike the rumour started by the member's colleague from Ottawa Centre (Mr. Cassidy). I just want to put that in there, it might help his campaign.

Mr. Deans: I don't need the minister's help, thank you.

Mr. Foulds: The minister just lost him 40 votes.

Hon. Mr. Timbrell: I'm just trying to be helpful; I'm sorry.

Mr. Nixon: The minister's time will come. We will help him too.

Mr. Deans: If I wanted help I wouldn't be asking for help from the Minister of Health.

Hon. Mr. Timbrell: The point I've been making to the hospital people—and it follows from the member's earlier question—is that looking ahead and looking at the fact that by the turn of the century the proportion of our population, which one can call aged, will be something like 50 per cent greater than it is in proportion to today's population, and looking at changing modes of treatment, we'll be moving into chronic programs and geriatric programs of various sorts.

One cannot say that the whole system as it is today must be taken as it's given and everything else is added on. The realities of our ability to raise money, the realities of the economy at this time are such that we have to look at the active treatment bed ratios to make room for other things to come into the system or to be expanded within the system, and to take cognizance of, as I said the changing patterns of practice.

Now, having said all that, no final decision has been made. I would hope that that would occur in the not too distant future.

Mr. Warner: Is the Minister of Health telling us that he is going to help out those private nursing homes that have been shuffling off some of their patients to the homes for the aged, by now establishing separate institutions for chronic care?

Hon. Mr. Timbrell: Mr. Speaker, I'm not establishing any new ones. There are existing ones in operation or under construction or conversion. I guess the only recent new one would be the Salvation Army Grace Hospital in downtown Toronto which will convert to chronic and palliative care from its current, very successful operation as an active treatment hospital, and the conversion of the old Mount Sinai. But I'm not saying I'm going to be building new ones. Certainly, as we look around the province, where the need for extra chronic beds is recognized, we'll try to do it within existing facilities as we are doing in several centres, not the least of them being Windsor.

Mr. Conway: Supplementary: Has the minister initiated that rumour with any advice from any of the official sources within his ministry that might have given him evidence to indicate that there should, in fact, be a reduction in the active bed ratio below the figure of four that's been mentioned by my friend from Wentworth?

[2:30]

Hon. Mr. Timbrell: Mr. Speaker, I'm not quite sure I understand the question, but I'm just speaking for myself as the minister. In looking to the future needs, whether it be institutional care such as chronic and so

forth, or whether it be programs outside of what has become the tradition of institutionalized care, and given the facts of life and finance in Canada today—and I think from my reading this is something that every province and every country is having to face—I ask the member to look at the fact that in the United States, for instance, the Secretary of Health has indicated that by 1984 they're going to have to close 100,000 active treatment beds to bring their system into line and to allow for flexibility for other programs. That's what I'm talking about.

I wanted to point out, Mr. Speaker, how good I've been today in not pointing out that there's another group of students from my riding in the gallery.

Mr. Warner: Mr. Speaker, to come back to the original question and the answer which the minister gave, I am wondering how this solves the problem highlighted in the article this morning, picking up on the article from April 15 of this year. How does all of this answer the problem of nursing homes wanting to and being able to accept patients who simply require minimal care, thereby shuffling some of the problem into the public homes for the aged? How does what the minister has told us today solve that problem? What is he going to do about it?

Hon. Mr. Timbrell: Mr. Speaker, again, with respect, this is something that is certainly going on in estimates committee. We could take up a great deal of time there without cutting off other members who want to discuss other subjects.

I pointed out first of all that the regulations to the Act require that a minimum of 75 per cent of the beds in a nursing home be retained as extended care beds. The hon. member asked me yesterday about a home, I think it's called St. Raphael. We checked into that. As of this morning, 99.2 per cent of the beds in that home are in fact extended care beds.

To the very earliest question of this series, I indicated that we are working on the principle of assessment and placement agencies that will have some teeth.

Mr. Warner: When?

Hon. Mr. Timbrell: I hope certainly in the next year that we will have resolved our discussions and got the matter through cabinet.

Mr. Warner: In the fullness of time.

Mrs. Campbell: Has the minister looked at the experiments which have been carried out in some of the western provinces, where they have analysed nursing home care in degrees of care expected from each of the dif-

ferent classifications of homes? In view of the fact that the interministerial report indicated that most of this relates to financing, why haven't we at least looked at the record in the west where they have degrees of financing related to the degree of care which is to be delivered?

Hon. Mr. Timbrell: Mr. Speaker, I don't think the systems employed in the west are any more successful than the system we employ in the province of Ontario. In effect we do have two levels of care, extended care and normal residency, and rather an involved point system and a regular evaluation and then re-evaluation by the physicians involved.

Certainly the representations I've had from the nursing home industry in my nine or 10 months as Minister of Health indicate they would like to see something like that come in to improve on what they consider to be a low rate of return on investment. For instance, the extended care rate applies to all nursing homes whether they were built in the last year at 12 or 14 per cent mortgage rates, or built 20 years ago at much lower rates and lower construction costs. I know that that's something that aggravates them, but I really don't think from what I've read of what goes on in other jurisdictions that they are any closer to the ultimate answer than we are.

BRIBERY CASE

Hon. Mr. McMurtry: Mr. Speaker, I have the answers to several questions asked by the hon. member for Downsview (Mr. di Santo) regarding the prosecutions which came about as a result of Judge Waisberg's commission which reported on crime or criminal activity within the construction industry.

First of all, may I state that I had the matters raised by the hon. member reviewed by the acting Assistant Deputy Attorney General, criminal law division, Mr. McLeod, who agrees that the decisions reached by the Crown law office back in the fall of 1974 were appropriate.

As a result of evidence taken at the royal commission on certain sectors of the building industry, investigations were made by a joint task force involving the OPP and the Metropolitan Toronto Police.

The royal commission hearings commenced on June 5, 1973. In the spring of 1974, the Crown law office reviewed the transcript of the evidence taken by the commission on a daily basis as it became available. In the fall of 1974, the Crown law office provided to the joint task force a list of approximately 20 areas where criminal charges could be con-

sidered but at the same time suggested to the police that further investigation was required in each of these areas. This investigation was done, and at the conclusion of their investigation, a decision was reached to cause criminal charges to be laid against six persons, which charges were laid on December 18, 1974.

The six persons who were charged were persons who had received benefits rather than persons who had given benefits. It is clear that section 383 of the Criminal Code creates two parallel offences, one for the receiver and one for the giver. The decision to charge, in each case, the person who received the benefit and not to charge the person who conferred the benefit was based upon a consideration of the following factors:

1. In the Crown's view it was necessary in these cases to refrain from prosecuting one or the other of the giver or receiver in order to have the evidence of one for a successful prosecution.

2. The relative degrees of culpability having regard to: (a) who instigated the transaction, namely that the donees in each of the six cases instigated the payment; (b) the reason for it; (c) the testimony and demeanour of the participants during the royal commission.

3. The Crown law office's assessment of the deterrent value in the construction industry of the prosecutions.

Mr. Foulds: That's incredible.

PIPE PRODUCTION

Mr. Kerrio: Mr. Speaker, I have a question of the Premier. I hope he shares my interest in selling Ontario pipe for the Alaska Highway pipeline. In view of the day to day changes in events altering the opportunities as we face them, and more particularly, in view of what the hon. Minister of Industry, Trade and Commerce, the Hon. Jack Horner said, and I'd like to quote him: "The final decision is for Canadians to make, not Americans. We are in the driver's seat with regard to the pipe. If we make the right decision then we will make available to Canadian suppliers"—

Mr. Speaker: I don't hear a question yet.

Mr. Kerrio:—"the opportunity to produce the pipe." This is very significant, Mr. Speaker.

Mr. Speaker: It's still not a question.

Mr. Kerrio: The question is, will the Premier address himself to the comments I'm making when I suggest that if all we're guaranteed is that competitive price is all that's going to be considered in the contract would

he and his ministers take a more active part in seeing that we do have a fair hearing in making the decision of where this pipe is to be purchased?

Hon. Mr. Davis: Mr. Speaker, I haven't kept track but I do believe the member for Wentworth (Mr. Deans), the leader of the New Democratic Party (Mr. Lewis), the member for Niagara Falls and perhaps one or two others have raised this matter in the past two weeks. I will once again reassure the member for Niagara Falls that the government has been interested in this and was pursuing it perhaps even before the member for Niagara Falls knew there was to be a pipeline.

Mr. Kerrio: If I had known sooner I would have sold them the pipe.

Hon. Mr. Davis: How many times do I have to tell him? If the member for Niagara Falls wants to compete in either the sale or the installation of the pipe I can think of no rules or regulations of this House that would preclude him doing so and I wish him well. My own guess is that Canadian supplier or suppliers will be involved in this process. I am very optimistic about that. I can't say that I am that familiar with the hon. member's own operation to say whether or not he would be personally one of those.

Mr. Kerrio: Supplementary: Mr. Speaker, in view of what's happening in this whole issue, I would just like to ask the Premier if he's aware that the US export subsidy and knocked-down pricing—such as that of one company reported as offering to build a gas line in Mexico—would give a strong competitive edge to the US in the Canadian selling of this pipe? I am most concerned that if we don't bring to bear every bit of pressure the Premier's office and the Minister of Industry and Tourism (Mr. Bennett) and the Minister of Energy (Mr. J. A. Taylor) have at their command, we are not going to build the pipe in Ontario.

Hon. Mr. Davis: Mr. Speaker, I don't want to prolong this although I recognize its importance. But I would also point out to the hon. member that there are a number of people making representations and that includes the province of Ontario—and this dates back a period of time.

Just to give him the latest information, Mr. Jefferson, vice-president, services, Foothills, stated before a committee in Calgary as recently as November 16—that's admittedly a week ago—in answer to a question related to Ontario—this was to the committee on industrial benefits from natural resource development, chaired by Mr. George Hughes

Adams, that the project will be handled by six separately incorporated Foothills corporations. Each would be responsible for the building of the section of the pipeline as it passes through Alaska, the Yukon, British Columbia, Alberta and Saskatchewan.

I have to draw the hon. member's attention to the fact that part of the line does not go through Canada. I think one can assume that American producers of pipe are going to endeavour to get their share of that portion that is not in this country. One is going to read a lot of speculation, and there will be a lot of competition.

To say categorically to the hon. member it is going to happen, I am not in a position to give this guarantee. But I can tell him that on a personal basis and through ministers of the government, the government of Canada is totally aware. I am critical of the government of Canada on occasion but I have to say this for them, they are aware of the importance of it.

Mr. Roy: Jack Horner is doing a good job there.

Hon. Mr. Davis: I just want to tell the member what Mr. Jefferson has said. "It was stated that on the Canadian section, in excess of 85 per cent of all materials and services would be obtained from Canadian sources and this would include transmission pipe valves and related equipment. Purchases of supplies and equipment will be handled independently, section by section, and the responsibility will rest with the operating contractor."

I should point out that another firm in Canada will also be making some effort to get their share. I think that firm is called Ipsco. I think it is geographically located in the province of Alberta, and I think for anyone to suggest that they will not be competing for a portion of this pipe would be to underestimate their capacity.

But I would assure the hon. member for Niagara Falls, the member for Wentworth and if he would relay it to his leader, and all of those who represent constituencies, and I guess indirectly the Leader of the Opposition, that this government is making every effort to see that particularly—I will be selfish—Ontario manufacturers get their share. We do not award the contracts so I am not in a position to guarantee it. But I am relatively optimistic that Canadians will get their fair share of the pipe and other related materials that are purchased.

Mr. Swart: Supplementary, Mr. Speaker: I would ask the Premier if he is not aware that his Minister of Industry and Tourism

in reply in this House on November 17 stated that Canadian companies do not have some of the technology presently in place to produce the pipe for the Alaska pipeline? In view of Mr. Horner's statement and the fact that Stelco has continually repudiated that and say they can produce it, will the Premier repudiate the statement of the Minister of Industry and Tourism? He's making the kind of statement that's selling out the Canadian interest.

Hon. Mr. Davis: I would only say to the member for Welland-Thorold no minister has worked harder on behalf of the manufacturers of this province than the Minister of Industry and Tourism.

[2:45]

Mr. Nixon: All over the world, in fact.

Mr. Foulds: Too bad it wasn't effective.

Hon. Mr. Davis: There may or may not be some technical problems. I can tell the member that I don't pretend to be an expert in the technology of the production of pipe, but I assure the hon. member for Welland-Thorold that we are making every effort as a government, and I know the private sector is making every effort, to see that it is the supplier of a good portion of this pipe. I can't add any more to that. I assume the hon. member for Welland-Thorold doesn't himself expect to put in a bid, like the member for Niagara Falls. At least I didn't know he was in the business, so I can't wish him well.

Mr. Nixon: He isn't; why don't you get that straight? You have been told three times.

Mr. Yakabuski: A supplementary, Mr. Speaker: In view of the controversy with regard to the supply of pipe for the proposed pipeline, is it true that Algoma Steel in Sault Ste. Marie is considering a tube and pipe facility to be added to that complex with an eye towards getting some of the pipeline business?

Mr. Wildman: Yes, it is, it is.

Hon. Mr. Davis: I am not familiar with all of the possible plans of some people involved in the steel industry. I would be very surprised if all of the major companies in this particular sector aren't looking at their capacity to produce those materials, because they will amount to many millions of dollars.

I cannot answer specifically as it relates to Algoma. Perhaps if the hon. member had a word with the Minister of Housing (Mr. Rhodes), who is geographically fairly close to Algoma, he might have the most recent inside corporate information. I don't.

TRAINING SCHOOL DEATH

Mr. Foulds: I would like to direct a question to the Minister of Community and Social Services with regard to the statement he made this afternoon.

Can the minister assure us that the same kind of full report supplied by his ministry in the tragic Norma Dean case will be made public in the case of the tragic incident at Hillcrest yesterday? Specifically, could he inform the House the route through which the young lad arrived at the training school, whether it was section 8 or section 9, and whether it was through a Children's Aid Society, the police, or a treatment centre?

Hon. Mr. Norton: I can assure the hon. member that, as the full information is available, I will make it available to the hon. members of the House. I do have a fairly comprehensive preliminary report which was delivered to me just before I came into the House, prepared and put together by staff during the night.

Following my being advised yesterday evening shortly after the death of the youth, they began the preparation of the report. I have not yet had a chance to review that in its entirety, but to the best of my knowledge, at this point, according to the information I have, the child had been in the care of the Children's Aid Society since, I believe, 1975. When the more comprehensive report is available to me, I will be in a better position to give the member more accurate information with respect to that.

The other thing I would raise at this point is that obviously I would not wish in any way to prejudge the outcome of the inquest in terms of the kinds of responses, the kinds of information that I might be able to give out prior to that. I would be willing to share with the member any information that I get, certainly, on a private basis; I am not in a position to deal with it publicly.

Mr. Foulds: A supplementary: Is it not true that Hillcrest is supposedly the maximum security institution for disturbed children in this province? If that is so, how can such a tragedy take place? Doesn't that indicate that perhaps training schools are not the answer for 15-year-old children?

Hon. Mr. Norton: It is true that that particular training school is one with a higher degree of security than most, or any, of the others in any of our training school system in the province.

I have in preparation at the moment a new proposal with respect to both the philosophy and the purpose or the role of training schools

in the total picture of children's and youth's services in this province. As soon as I have had an opportunity to deal with that at the policy level with my colleagues, I hope I will be in a position to make some rather substantial announcements with respect to the role of training schools.

Mr. Speaker: Final supplementary.

Mr. McClellan: Through the Chair, to the minister: In view of the fact that these kinds of tragedies are inevitable as long as children who need mental health care are sent to training schools, would the minister not agree that the time has come to close training schools in Ontario and replace them as soon as possible with an adequate—

Mr. Speaker: That question was just asked.

Mr. McClellan: I don't think the question was asked as a matter of complete provincial policy, Mr. Speaker. It was specific. I am asking whether the matter of general policy for the treatment of disturbed children, the training school system, ought to be closed, and whether the minister wouldn't agree with that. I don't appreciate being cut off on it!

Mr. Speaker: I was listening very carefully to the question that was asked previously by the member for Port Arthur. Yours was a duplication of it.

The hon. member for Renfrew North.

Mr. Foulds: Supplementary, Mr. Speaker.

Mr. Speaker: That's enough supplementaries on that.

Mr. Foulds: Mr. Speaker, with great respect, there was only one supplementary.

Mr. Speaker: There was a repetition of questions. The hon. member for Renfrew North.

EDWARDSBURGH LAND ASSEMBLY

Mr. Conway: A new question to the Premier: Having regard to recent proposals with respect to the Edwardsburgh industrial proposal for eastern Ontario, and having regard to the Premier's recent pilgrimage to Prescott, has he, in fact, accommodated the interests of the former member for Carleton-Grenville and the former minister from that area, who at that time was alleged to have asked the Premier to report to his colleague, the Minister of Natural Resources, that "We don't need any more poplar trees here in eastern Ontario"?

Hon. Mr. Davis: Mr. Speaker, I did travel to eastern Ontario, as the hon. member mentioned last week, and I must say that I came away encouraged that, with one or two aberrations, of course—

Mr. Samis: More than one or two.

Hon. Mr. Davis:—eastern Ontario was still solidly in support of the Progressive Conservative Party.

I acknowledge one or two aberrations. I've got news for the member. In fact, some of those aberrations may disappear and I don't want to be personal about it at all.

Mr. Samis: Now back to the trees.

Hon. Mr. Davis: As I recall, Mr. Speaker, the former member, a very distinguished colleague of mine and a friend of many—I was going to say on both sides of the House, although he philosophically differed with some—made observations about the future potential of the Edwardsburgh site. I think he did observe that he would like to see more by way of industry than an increase in the number of trees. I think he did make that point somewhat subtly. I understood what he was saying.

I can also tell the hon. member that that riding fortunately is still represented by an extremely able, aggressive person on the government side of the House, and that I am very confident we will find the best ultimate use for the Edwardsburgh site, because he is taking such an active interest in seeing that the right decisions are made.

Mr. Conway: Supplementary: Given the fact that the Premier, I thought, made a very appropriate reference in his speech to his government's concern about regional disparity and what federal government wasn't doing in that regard, and having regard to the former member's comment that, "What we need are more jobs in industry," I would ask the Premier what specific proposals he is entertaining at the cabinet level to make that Edwardsburgh industrial showcase something more than an experimental farm, which is quite obviously unsatisfactory to the people in eastern Ontario who feel that this government knows all about regional disparity because it has left eastern Ontario to languish industrially.

Mr. Speaker: The question has been asked.

Hon. Mr. Davis: Mr. Speaker, I—No, I won't, I'll try it—

Mr. Warner: You were going to resign.

Hon. B. Stephenson: No, just you, David. You are the only one who should.

Hon. Mr. Davis: Mr. Speaker, I did make some observations at that very excellent, non-partisan affair. I did point out that one of the problems we faced on a national basis was the disparity that existed in many parts of Canada. I have also pointed out that in some respects we face problems even within

our own province—that there hasn't been total equality in terms of economic growth.

Mr. Samis: You can say that again.

Hon. Mr. Davis: One of the reasons we have had some measure of success, both in eastern Ontario and more recently with additions in northern Ontario—

Mr. Roy: Yes, majority government, eh?

Hon. Mr. Davis: —is because the people in those parts of the province recognize that this government is making efforts to see they do share in the economic prosperity of the rest of the province.

The fact that so many members come from that part of Ontario just indicates to me the wisdom and the logic of the people who live in that great part of the province. In spite of the fact that in two or three cases they did make errors in judgement, I still—

Mr. Speaker: That is not part of the answer.

Hon. Mr. Davis: —have confidence in their ability to determine what is best for them and we will assist them in that process.

Mr. Samis: Supplementary, Mr. Speaker. After that political harangue, could the Premier tell us if he has any new initiatives at all, leaving politics aside, for the people of eastern Ontario?

Mr. Nixon: It wasn't a harangue. It was a soporific.

Hon. Mr. Davis: Mr. Speaker, I was asked specifically about the Edwardsburgh site—

Mr. Roy: Yes, the Premier hasn't answered that yet.

Hon. Mr. Davis: As the former Leader of the Opposition indicated, it was not a harangue at all, he called it a what?

Mr. Nixon: A soporific. It puts you to sleep.

Hon. Mr. Davis: He indicates that it put him to sleep. I wouldn't doubt it for a moment because it doesn't take much to put the hon. member to sleep on occasion.

Mr. Nixon: Just a speech from the Premier will do it.

Hon. Mr. Davis: I would only say that my own speeches put me to sleep on occasion but they have been more successful, obviously, over the years than his own.

Mr. Speaker: Order, please. The hon. Premier is not answering the supplementary at all.

Hon. Mr. Davis: Mr. Speaker, you are quite right.

Mr. Warner: He does not have an answer.

Mr. Wildman: Could the Premier indicate to this House which ministry will be responsible for making to the cabinet whatever pro-

posals the government has for the Edwardsburgh site and for carrying them out? The Minister of Industry and Tourism disclaims responsibility for the original decision and fears that anyone who wants an industrial park in that area must be off his nut.

Interjections.

Hon. Mr. Davis: I really am trying to answer that supplementary question but I'm getting so many other interjections that I am having difficulty concentrating. What was the question?

Mr. Samis: The Premier is looking for an audience.

Hon. Mr. Davis. As recently as, I guess, yesterday or Friday, I forget the exact date, a meeting was held with representatives from the government and with representatives from the local municipalities; they discussed four or five possible ideas for the Edwardsburgh site, how it should be handled. I understand these resolutions or ideas are being presented to the local government bodies. I expect they will be ratified, amended and so on. In this consultative process with the local communities involved the government is looking to them for their advice and guidance. When we receive that, then we will inform the House more fully as to what the plans for Edwardsburgh may be.

BADGLEY REPORT

Ms. Gigantes: I would like to ask of the Minister of Health why since July 1977 he has been sitting on the report of the provincial committee to review the Badgley report? I mean that figuratively of course.

Hon. Mr. Timbrell: I have not, Mr. Speaker, been sitting on the report. It was put out to the OHA and to the OMA for official comment from both of those bodies. Some discussions have already been held at my level. Further discussions will be held and I would anticipate wrapping that up some time in the first half of 1978, going to cabinet and finally officially stating the government's reaction to the Badgley report.

Ms. Gigantes: Mr. Speaker, a supplementary: Considering that two members of the committee were from the Ontario Medical Association and two members of the committee were from the Ontario Hospital Association, constituting four out of five members of the committee, I would like to know why the minister thinks it is necessary at this point to send the report back to those associations? If he is consulting these associations, is he consulting any group which might be considered client groups?

[3:00]

Hon. Mr. Timbrell: Not at this point. We have certainly heard from a number of client groups and certainly the committee which did include representatives of the two associations heard from client groups. Any material I received during that time—letters or briefs—were submitted to them.

I certainly didn't consider that the two doctors—the three doctors, really, because one of the representatives of the hospital association was a doctor as well—and the other persons were, as it were, representative of the firm position of the OHA or the OMA. They were there to represent those sectors because it involves very directly both the hospitals and the medical profession as to how services are or would be delivered. Both associations, since the Badgley report came out, have gone through changes in their executives and perhaps therefore one could anticipate some slight change in policy—not necessarily but possibly. I think both executives deserve the right to consider it and give the official position of both associations.

Ms. Gigantes: Mr. Speaker, one final supplementary.

Mr. Speaker: Final supplementary.

Ms. Gigantes: I assume from that answer that what he is telling me is that he is not going back to any client groups for any input. I would like to ask the minister, on the basis of that, whether we would be safe in assuming that the report is rather far-reaching and calling for government action, or he wouldn't be sitting on it?

Hon. Mr. Timbrell: Mr. Speaker, my experience with the hon. member is that she will make any assumption she wants whether it is based on fact or not.

Ms. Gigantes: It is the only answer I ever get from this ministry.

COW-CALF PROGRAM

Mr. Wiseman: Mr. Speaker, I have a question of the Minister of Agriculture and Food: Could the minister inform the House if the cow-calf program monitoring is complete and is he in a position to tell us what the average of the calves was this fall?

Hon. W. Newman: Mr. Speaker, the monitoring period will go to December 15. At that point in time we will calculate the sales around the province to get the average figure. I wouldn't want to say what it will be at this point in time, but it looks like it will come out somewhere around 38 cents. There will be a payout to the cow-calf producers of this province.

Mr. Wildman: That's better, but still bad.

Mr. Wiseman: Supplementary, Mr. Speaker: Would that payment go out to the producers before the end of the year?

Hon. W. Newman: Yes; we are anticipating that it will go out before the end of the year, providing the government of Canada will be kind enough to give us their figures by December 15.

Mr. Roy: Yes, before Christmas.

APPOINTMENTS TO BOARDS AND COMMISSIONS

Mr. Roy: A question of the Premier, Mr. Speaker: Would the Premier confirm or deny the meetings that are supposedly taking place in the dining room downstairs involving some of his well-known colleagues, members of the Conservative Party and the deputy minister, as reported in an article by Jonathan Manthorpe on November 8? Would the Premier confirm or deny that these meetings are taking place re appointments to boards and commissions?

Hon. W. Newman: Where have you been the last two weeks; practising law?

Mr. Roy: No, I have been giving him two weeks to prepare the answer.

Hon. Mr. Davis: Mr. Speaker, I understand it took the hon. member two weeks to get here to ask the question. It is true that people do get together; people do meet, that is true.

Mr. Roy: Thank you. Mr. Speaker, supplementary to this question, having in mind that it is the government's prerogative to make appointments to boards and commissions and so on, how can the Premier possibly justify a civil servant, who is supposed to be apolitical, meeting with basically a political group? How can he justify that these appointments are non-political, based on merit, when the only people giving him advice are in fact Tories?

Hon. W. Newman: They are the only people capable of giving good advice.

Hon. Mr. Davis: Mr. Speaker, I really find I listen to advice from many quarters. I find that on balance the best advice I get happens to be from Progressive Conservatives. I don't think that would come as a great shock to the member.

Hon. Mr. Rhodes: Sure doesn't happen federally.

Hon. Mr. Davis: Just so the hon. member doesn't forget how objective and non-partisan we are, I believe one of the recommendations emanating from that group, which ultimately was approved by myself and cabinet, was his former very distinguished colleague from Armourdale.

Mr. MacDonald: Supplementary, Mr. Speaker.

Mr. Roy: I would hardly call that non-political.

Mr. Nixon: Cutting a little close to the bone there.

Hon. Mr. Rhodes: Trudeau is never surrounded by Tories.

Mr. MacDonald: Would the Premier confirm the membership of that committee? Was the listing correct, the one I gave during discussion of the private members' resolution carried on the order paper under the name of the Leader of the Opposition (Mr. S. Smith)? If not, would he correct it?

Hon. Mr. Davis: I always take great delight in correcting the member for York South. I can't often do it except on matters of real substance.

Mr. Foulds: On this one you can't.

Hon. Mr. Davis: In that this is a matter I know he wants to learn more about as a matter of urgent public interest I can't honestly recall, because I don't attend those meetings, whether that was the complete list.

Mr. MacDonald: If the Premier finds out, will he give me a list?

Hon. Mr. Davis: I will be delighted to inquire and to give the member a list of just about anything he wants—just about anything.

Mr. MacDonald: Very good, thank you.

Mr. Deans: Was that yes or no?

Hon. Mr. Davis: I haven't read the article.

Mr. Roy: The Premier hasn't read the article.

Mr. Breithaupt: He's two weeks late.

Mr. Roy: In view of the answer given earlier by the Premier that he does not attend these meetings, doesn't he feel as the political leader—

Hon. B. Stephenson: Is this urgent public business? You've got to be kidding.

Mr. Roy: —he should be attending those meetings rather than his deputy minister who is not supposed to have any political leanings, he is supposed to be apolitical.

Hon. B. Stephenson: That's why he's there.

Mr. Nixon: Maybe he's not going to use them if the government changes.

Hon. Mr. Davis: I think it should indicate very clearly to the hon. member how non-partisan and objective these recommendations are. It is because of my deputy minister's participation with this group that does recommend names from time to time, which ultimately have to be approved by cabinet—

Mr. Roy: How come they are all Tories?

Hon. Mr. Davis: —that he handles this very onerous responsibility extremely well and gives it that measure of objectivity. Let me say to the hon. member everybody this government appoints is there because of the intelligence, the logic and the ability that he or she possesses to bring to the job.

Mr. Swart: Political affiliation.

Hon. W. Newman: That's why you would never make it.

REPORT

STANDING GENERAL GOVERNMENT COMMITTEE

Mr. Gaunt from the standing general government committee reported the following resolution:

Resolved: That supply in the following amounts to defray the expenses of the Office of the Provincial Auditor be granted Her Majesty for the fiscal year ending March 31, 1978:

Administration of the Audit Act and statutory audits	\$1,956,000
---	-------------

INTRODUCTION OF BILLS

SPECIAL EDUCATION PROGRAMS ACT

Ms. Gigantes moved first reading of Bill 109, An Act respecting Special Education Programs.

Motion agreed to.

Mr. Speaker: I wish members would present bills to the Chair in the proper form. There's absolutely no information on this at all.

Ms. Gigantes: This bill guarantees access to education for all children of compulsory school age who suffer from any kind of chronic physical disability or any kind of learning disability, including the blind, deaf, autistic, mentally handicapped and perceptually handicapped, or for children who are exceptionally gifted.

ORDERS OF THE DAY

CITY OF BURLINGTON ACT

Mr. Ruston, on behalf of Mr. Reed, moved second reading of Bill Pr8, An Act respecting the City of Burlington.

Motion agreed to.

Third reading also agreed to on motion.

CASGRAIN TOWNSHIP LANDS ACT

Mr. Maeck, in the absence of Mr. Lane, moved second reading of Bill Pr12, An Act respecting Certain Lands in the Township of Casgrain.

Motion agreed to.

Third reading also agreed to on motion.

CITY OF KITCHENER ACT

Mr. Breithaupt moved second reading of Bill Pr17, An Act respecting the City of Kitchener.

Motion agreed to.

Third reading also agreed to on motion.

CITY OF SARNIA ACT

Mr. Blundy moved second reading of Bill Pr25, An Act respecting the City of Sarnia.

Motion agreed to.

Third reading also agreed to on motion.

CITY OF SARNIA ACT

Mr. Blundy moved second reading of Bill Pr34, An Act respecting the City of Sarnia.

Motion agreed to.

Third reading also agreed to on motion.

SHORE AND HORWITZ CONSTRUCTION COMPANY LIMITED ACT

Mr. Maeck, in the absence of Mr. Handleman, moved second reading of Bill Pr35, An Act respecting Shore and Horwitz Construction Company Limited.

Motion agreed to.

Third reading also agreed to on motion.

CONCURRENCE IN SUPPLY

Resolutions for supply for the following ministries were concurred in by the House:

- Ministry of Colleges and Universities;
- Ministry of Labour;
- Ministry of Treasury, Economics and Intergovernmental Affairs;
- Ministry of Government Services;
- Ministry of Industry and Tourism;
- Ministry of Revenue;
- Ministry of Community and Social Services;

Management Board of Cabinet;

Office of the Assembly;

Office of the Provincial Auditor.

Resolution for supplementary supply for the following ministry was concurred in by the House:

Ministry of Community and Social Services.

[3:15]

MUNICIPAL ELECTIONS ACT (continued)

Resumption of the adjourned debate on the motion for second reading of Bill 98, An Act to revise the Municipal Elections Act, 1972.

Mr. Ashe: Mr. Speaker, nearly one week ago the debate on second reading of Bill 98 was adjourned at 10:30 in the evening. I had accumulated, at that time, approximately eight pages of points, questions and concerns expressed by some of the hon. members. I will try, at this time, to touch upon some of the concerns, questions and acknowledgements recognized by the hon. members at that time. I'm taking them pretty well in the order they were submitted as the various speakers spoke and not in order of importance, only because during the week you lose some continuity.

The hon. member for Waterloo North (Mr. Epp) actually complimented the process that had taken place. He recognized that the consultative process had been used and of course was working very effectively through the processing of the amendments to the Municipal Elections Act. He recognized the joint committee that was established and what took place, the election date being the second Monday of November and the emergency powers now bestowed to a greater degree on the clerk and not recognized before. He indicated some support for three consecutive hours off, an amendment we'll be considering later on. As I understood it he was considering the dialogue at that time and was going to consider very actively the debate as to whether the hours on voting day should be expanded or not. In that regard we feel based on the reaction from municipalities and the joint committee, they should not.

Mr. Deputy Speaker: Order, please. There are a number of conversations in the chamber creating a disturbance.

Mr. Ashe: There is an amendment being proposed by the Liberal Party relating to the removal of the eligibility to vote of other British subjects but the hon. member for Waterloo North accorded general support to the bill in second reading, which is very much appreciated.

The hon. member for Welland-Thorold (Mr. Swart) spent a great deal of time in discussion of the bill recognizing, as we all do I think, in this House, this is an important piece of legislation. Bill 49 was an important piece of legislation and Bill 98, because it's twice the number—I guess twice as important. The government is treating it ex-

actly that way, as are most of the hon. members.

He asked at that time, as did many members of that particular party, where the Treasurer (Mr. McKeough) was and I'm sure all members of this House appreciate and recognize the responsibilities of the Treasurer and, if you will, Mr. Speaker, the delegation of authority within his parliamentary assistant in regard to municipal legislation.

He mentioned the joint committee had been established and established the fact it was in place. I am afraid that particular party didn't recognize that the joint committee, the AMO-AMCTO committee should be on because it didn't feel it was worthwhile to have an ongoing consultation with the committee, such as the government did because that was part of the process that it felt was the right way to go and obviously has proved to be so.

The hon. member, in giving his opinion of the bill, referred to several failings, outmoded procedures, the Municipal World editor and what he had said in an earlier edition last year. I think the one thing he did forget to say was that many of the concerns that were expressed on behalf of Bill 49, of course, were amended and are recognized in Bill 98, because of the consultative process—not in spite of it, but because of it.

There was, of course, the recognition of responsibility, the reference to three hours of time off, the hours of voting within the Election Act, the fact that the amendment by the New Democratic Party covered these items. Again, I would respectfully suggest to this House that those who were involved in the consultative process with the municipalities and with the joint committee would now recognize that neither the municipalities nor the joint committee favour returning to hours of election that would include 9 a.m. to 11 a.m. I think anybody who has been part of the municipal election process in recent history would realize and recognize that there are very few people who take the opportunity to exercise their franchise in those two hours.

It was also expressed that it put a very unfair burden upon the people who are working on election day because of the greater time-consuming process involved in tabulating the results from a municipal election. There are normally many more ballots than there are for counting either in a provincial or a federal election.

Disclosure and financial inclusion, of course, are not in the present bill. There is one amendment coming forward in that regard.

I particularly took offence again at the reiteration that the consultative process was a myth. I have a chronological diary of the consultative process that did take place with the joint committee that was established on an ongoing basis for approximately two years and the reaction that was received as part of the consultative process directly from the municipalities.

I might point out that the hon. member for Welland-Thorold if he were really concerned, sincerely concerned, with the consultative process, would have taken time out to consult with his local elected member on that committee, who happens to be from his own riding. It is my understanding and information that not one time during the whole process did he even manage to touch base with that person. So although there's reference to the consultative process, in actual fact I really don't think the members of that party really wanted to hear what the committee had to say, but only what they perceived that they might want to say. There's a distinct difference.

Mr. Swart: There were two from our area. I talked to one. Which one are you talking about?

Mr. Foulds: Which one are you talking about, the Progressive Conservative Party?

Mr. Ashe: I have made reference to the man whose remarks I am referring to, the hon. member for Welland-Thorold.

Mr. Foulds: Let me tell you something. He has more lines out in this area than your party has or could ever hope to have.

Mr. Ashe: With reference to the consultative process and the playing of the game and the filing and tabling of a bill before the actual report of the joint committee had come forward, again as part of the consultative process there was an ongoing involvement and knowledge of what the committee was thinking. Bill 49 was tabled at the time; it was because the timetable pretty well necessitated that. It was a further discussion point, but it was recognized even at that time by all concerned that substantive changes to that bill were going to be considered. That was a planned process.

Mr. Swart: Why did they criticize the government?

Mr. Ashe: I can appreciate that some hon. members don't appreciate that sometimes you can actually plan things in that way, but that really was the government's direction all of the time.

Mr. Swart: Why did they officially criticize the government, then?

Mr. Ashe: I think it is fair to say that at the same time, most of the members of that committee recognized that process for what it was doing, what it was trying to do, and, in fact, what it did do. The rhetoric in this particular regard was of course irrelevant, to say the very least.

I appreciate the fact that there was agreement with some of the general concepts of the bill. Many of the suggested amendments we will be dealing with in more specific terms, but I think part of our job—as it was for the joint committee and as it was for most municipalities—was to recognize that we not only have an electoral responsibility, we also have a fiscal responsibility. I think that is reflected in the date that is being proposed by the government and not the date that is being suggested by the members of the third party.

On specifics, there was reference in the hon. member's remarks as to the election day—

Mr. Foulds: You really don't understand very much, do you?

Mr. Ashe: I understand it. Unfortunately the member doesn't, because he doesn't believe in the consultative process that he speaks about.

Mr. Foulds: What kind of nonsense is that?

Mr. Ashe: The member wouldn't know.

Mr. Foulds: What rhetorical claptrap—and you don't even do it well. You had better get some sound advice before you engage in that kind of stuff.

Mr. Deputy Speaker: Order.

Mr. Ashe: The more I hear from the hon. members over there really just doubles the fact that we already know—from being a party to, and supportive of, the consultative process—that to be consultative, you have to talk to other people—

Mr. Foulds: You don't know what consultation is. To you, consultation is listening and then ignoring.

Mr. Ashe: —not create preconceived notions and preconceived conditions of what the other side thinks it wants.

As I think was acknowledged by the hon. member—

Mr. Foulds: You are getting to be as arrogant as McKeough, and that takes some doing.

Hon. Mr. Kerr: Mr. Speaker, call that man to order.

Mr. Ashe: Mr. Speaker, if he would shut up for a few minutes, you could hear me speaking.

Mr. Deputy Speaker: Would the member for Durham West disregard the interjections and answer the questions raised during the debate?

Mr. Swart: Is “shut up” parliamentary language?

Mr. Ashe: Thank you, Mr. Speaker. I think the hon. member for Welland-Thorold did recognize and explain the difference between the press release of the NDP relating to the proposed election date and the actual one that is being proposed by amendment. There was at least some recognition in terms of one week that the proposed date is not too practical.

We feel and, of course, know that the proposed date is not practical; and as we get into clause-by-clause debate, I will, I hope, be able to pass on for the information of the hon. members some of the specifics as to why the proposed date is not too practical from a fiscal point of view. I will try to skim over some of these, because many are in support, one to the other and vice versa, and there is much duplication.

I will move on to the hon. member for Essex North (Mr. Ruston). I think he recognized, because of his own particular situation, the emergency procedures that were now being given because of a situation in his area, and the declaration of emergency that now could be made by the clerk. He indicated some concerns as to the possible challenge of the right of the clerk to make this particular declaration, but he did put forward a particular suggestion regarding “challenge by a notice of motion,” and I must say we haven't been able to find out what that particular reference was to. We felt that in the particular section, if the clerk used any kind of reasonable judgement at all, his decision as to the declaration of an emergency could not and would not be challenged in any way.

He was in support, I think, of the allowance of the electorate to get on to the eleventh hour, so to speak, to become eligible to vote; and, of course, this is recognized within the bill.

The reason for the 10 names to qualify to be a candidate was recognized and discussed, not only by many municipal people directly in the municipalities but also by the joint committee and by the government. There were many indications and suggestions that this should be made more difficult—the qualifications should be made a little more demanding—but it was felt that as part of our democratic process we should make it as easy as possible for a candidate to qualify. So, although there are many pros and cons

to that, as long as we support it to the degree we do, the democratic process and that elective office is available to anyone. Keeping it easy, such as having 10 qualified electors to sign a nomination paper, was the way it should be.

I think the member for Essex North indicated support on the date of the election.

The hon. member for Hamilton Mountain (Mr. Charlton) supported the change in the election date to October, and indicated that the only thing that would have to happen would be some minor changes in the election enumeration and that the assessment commissioners would have no problem in that regard and all the ones they talked to saw no problem in that. I guess they must talk to different people than we do, but I'm sure anyone who has looked into the process would recognize that the physical enumeration in the field, if you will, is one small part of the job, and we'll be discussing that in greater detail in clause-by-clause examination of the bill.

[3:30]

Mr. Davison: Is he using the royal "we"?

Mr. Ashe: What?

Mr. Cureatz: It's okay. He's just being arrogant again.

Mr. Ashe: We also acknowledge, as was pointed out by the hon. member for Hamilton Mountain, that municipal elections are just as important as other elections. I think the point was being made on the basis that we do not recognize that. We do. I think again the process that has been involved, and amendments, have been designed to recognize the importance of municipal elections and to recognize that people should have the availability, not only to become candidates but to be able to cast their ballots in a reasonable time and during a reasonable time frame.

The time of the poll also was a major point made by the hon. member for Hamilton Mountain. I think that tied into the fact that he considered it important, if the polling time for a provincial election is from 9 a.m. to 8 p.m., that we should be recognizing a municipal election with the same time frame. I won't repeat what I said earlier regarding the reasons why it shouldn't be, but on the other side of the coin I think that if 11 a.m. to 8 p.m. is the right time, maybe it's not the Municipal Elections Act, but the Election Act, that should be changed. Possibly that can be reviewed at the appropriate time.

The hon. member for Sarnia (Mr. Blundy) also emphasized the importance of municipal elections and said the municipalities and the

elected municipal servants delivered a very important personal service. There is no doubt about that. He recognized the relatively small turnout that seems to be experienced at municipal elections for some unknown reason. We're all doing our best, I think, to try to encourage a greater turnout and to increase the 30 per cent to 40 per cent turnout that most municipalities seem to experience. He recognized the consultative process that did take place and he acknowledged and supported the change in election date. He indicated quite rightly, and I'm using his words, that "it was foolish to open the polls at 9 o'clock."

The hon. member for Scarborough-Ellesmere (Mr. Warner) questioned where the Treasurer was, and I have to say he was busy with other important matters. As for his indication of steam-rolling things through, I would have to suggest that anybody who was aware of the process, as well as of the pronouncements, the consultations and the speeches delivered by the Treasurer and others to municipal associations and others, knew exactly what was going to be coming forward in Bill 49 and Bill 98 before they even reached the House. So I don't think it's fair to say, as I believe he said, that there was only one week to look at the bill. In terms of crossing the t's and dotting the i's, I suppose that's actually true. But as far as the content is concerned, I think all hon. members who wished to avail themselves of the information were quite aware of what the content of Bill 98 was going to be.

The hon. member also indicated that we should be trusting the municipalities. There is no doubt at all that the policy of this government is to give more responsibility and more trust to the municipalities, and in consultation that's exactly what is happening. The municipal election process is just one part of the total path that we are both travelling down together and generally in agreement, albeit not complete agreement. But part of consultation is still to have honest differences that you can discuss and hopefully resolve between yourselves. I don't think consultation is always coming up with a 100 per cent position as being the right position from either side.

There was an indication from the hon. member for Scarborough-Ellesmere that the majority of politicians from Metro Toronto want a three-year term. I'd have to acknowledge that's probably so. As we are all aware, I think it's safe to say that the majority of the politicians from all of the major metropolitan areas favour a three-year term. I don't

think this is an impossibility for consideration in the future.

This is not an area that was particularly dealt with, as members know, by the joint committee, but it is one that has been dealt with by the various municipal associations and the PMLC. It is safe to say the majority of municipalities per se do not favour the three-year term, albeit the municipalities which do have the electorate of a majority of the province behind their particular position.

It is also safe to pass on to the hon. members that in the response we are getting from the general public and others there is no doubt in general the public at large supports the retention of the two-year term, if only because it feels council should be accountable on a two-year basis rather than a three-year. There were even some smaller municipalities, believe it or not, that favoured going back to the one-year term. It is the feeling of the government at this time that the two-year term should be retained in this coming election and depending on the outcome of the major studies that are going on—Robarts, Mayo et cetera—possibly some change might be considered or recommended in the future.

The hon. member for St. George (Mrs. Campbell) made a reference to the fiscal year change. That is possibly something that should be looked at even further. There is no proposal in that regard within this particular legislation. The fiscal year is proposed to remain exactly the same. My own particular reaction to that from a straight operative point of view is that the difference in the fiscal year between the province and the municipalities is not nearly as significant now with early announcements to the municipalities of anticipated revenues that come from various grant programs, unconditional or conditional.

Although at one time the difference in the fiscal year was a major obstacle and roadblock in the financial planning of the municipalities, I don't think that has been the case or really is a serious concern of the municipalities in the last couple of years.

Mr. Haggerty: It still exists today.

Mr. Ashe: The hon. member for Windsor-Sandwich (Mr. Bounsall) referred to the timing of the election and the problems experienced in Windsor in 1974. On the length of term, he suggested a three-year term of office should be imposed. He indicated support for section 69, giving the clerk the power to act in an emergency without threat of being overruled. He felt this was a very necessary protection for the clerk in using his discretion and, of course, I agree.

The hon. member for St. Catharines (Mr. Bradley) indicated general support for the bill. He thought the changes, based on consultations, were wise ones and supported the earlier voting day. He supported the taking of office by the council on December 1, the concept of three consecutive hours for the opportunity to vote, and did express support generally for a three-year term as the view of municipal politicians. All in all, he had general support for the bill.

The hon. member for Haldimand-Norfolk (Mr. G. I. Miller) felt anything that could be done to encourage a larger electoral turnout was obviously a step in the right direction and supported the voting day change. He was concerned about there being three weeks after nomination date to the election. I would respectfully point out that this is no change from before. The three weeks are changed in the time frame but the actual three-week period, 21 days, is the same as it was when the election date was the first Monday in December. He generally supported the eligibility to vote and most part of the bill, such as uniform hours to vote. He was a little concerned about having only one week to study the bill. I have already commented on that earlier.

The hon. member for Erie (Mr. Haggerty) supported the date of the election. He suggested that maybe at some future time pre-registration for eligible voters be considered as in the United States in the party system that operates down there. He supported the option regarding the use of the French language in voting material and advertising. He supported the concept of election expense accountability and felt there should be consideration of a three-year term for larger municipalities with a population of 75,000 and over. He commented on the fact relating to the creation of wards within those municipalities that may not have wards, and of course this particular bill does not in any way create or attempt to create wards because it is beyond the purview of the Municipal Elections Act.

He supported leaving the voting hours as they are. He felt meals should be supplied to election day workers but I don't really feel that is the responsibility of the election day process and the expense of the electorate. That normally can be taken care of by people within their own means, as they do in most situations, regardless of the type of employment. He supports the concept of one mandatory nomination day and would really like to go back to the old nomination night procedure when you filed nominations from

8 o'clock to 9 o'clock on one particular evening.

He questions the fiscal year differential but supports the bill in principle.

There were other comments voiced by other members. I think they are pretty well duplications. The hon. member for Cornwall (Mr. Samis) expressed some input to the bill. The hon. member for Windsor-Walkerville (Mr. B. Newman), the hon. member for Nickel Belt (Mr. Laughren), the hon. member for Ottawa East (Mr. Roy), and last but not least, with two minutes to go, the hon. caretaker leader of the third party, the member for Scarborough West (Mr. Lewis), managed to put forward five particular points. It was quite obvious to me in the two minutes he did have he has been out of touch with the realities of the political system.

Mr. Davison: Boy, you should know.

Mr. Ashe: I suppose this is because of his heavy media commitments. He indicated the job before me was greater than anticipated. I don't think it is or was.

To deal with his five points specifically, he said the consultative process was abjectly neglected by the ministry and by the province. I would suggest anyone who took the trouble to check with the municipalities or the joint committee would know and recognize probably no other piece of legislation introduced by the government and dealt with by this Legislature has had more of a consultative process and involvement by others during the total process. That particular point was reiterated as late as last Friday at the provincial-municipal liaison committee meeting by no other than councillor Hazel McCallion who, as many members may know, is not always an avid supporter of the government in some of its procedures. So I take her commendation as to the consultative process in a higher light than some other members of that august committee.

The second point was that the date the government has chosen is wrong. We do have some financial responsibilities behind the decisions we recommend to this House. We know it is, in fact right, keeping in mind we don't feel the ratepayers or taxpayers of this province want to get involved directly or indirectly in increasing election costs by anywhere from \$4 million to \$6 million.

Point number three: The tenure it has imposed is arbitrary. In a sense, I suppose one could say it is arbitrary in that the terms of office were put down. But they were arrived at through many discussions, weighing all the pros and cons and trying to get the feeling, not only of the elected people within

the municipalities, but of the populace throughout the province of Ontario.

Point number four: It has no provisions for disclosure or indeed for maximum spending. That is true. There is one amendment with which this body will be dealing relating partially to that particular situation and again, we feel, based on setting up "an election-type commission," we should not be doing this at this time. The member is talking about a large sum of administrative moneys. Where are the financial resources to fund this particular expense?

Point number five: It has failed to take regard of the need for some emphasis on bilingual realities in the province of Ontario. I would suggest to you, Mr. Speaker, this is a fallacy. We've suggested in the best way possible we are giving the options to the municipalities.

[3:45]

If the member wants to give back the authority and the determination to the municipalities to do as they see fit, that's exactly what we are doing with the particular portions of Bill 98 as they relate to the use of bilingual forms. English is still the official language of this province; I think it has to be specified as being number one and the option is there for all areas which have any bilingual populace at all. Again, if you want to let that council decide, it can determine by bylaw if it wishes, to go through the election process and the forms et cetera, using both languages.

In closing, Mr. Speaker, I hope I've responded to some of the concerns. I've covered a lot of the points that many of the hon. members covered in some four hours last Tuesday, and I would hope that now we can proceed with the adoption in second reading and proceed to committee of the whole House to consider these 30 odd amendments that we have before us. Thank you, Mr. Speaker.

Motion agreed to.

Ordered for committee of the whole House.

INCOME TAX DISCOUNTERS ACT

House in committee on the whole on Bill 99, An Act to regulate the Discounting of Income Tax Refunds.

Sections 1 to 3, inclusive, agreed to.

On section 4:

Mr. Davison: Section 4 is the section in which we attempt to exert some influence over the fashion in which discounters charge hidden charges or extra charges or charges other than the discount charge per se. And the effort we've made is to control the

charge for services, including the completing of the income tax return for the taxpayer. The word the minister has used is that no dis-counter shall make an "unreasonable" charge for any service. It goes on to explain what will determine a reasonable charge.

I for one would like to commend the minister on this new initiative. It wasn't something that was found per se in bills in other provinces in Canada.

Mr. Foulds: That really knocks you over, eh?

Mr. Davison: I won't be totally kind in my remarks. But I'll start off nicely.

Hon. Mr. Grossman: Go ahead, conclude that way too.

Mr. Foulds: Yes, in between you get the ugly ones.

Mr. Davison: I think, though, Mr. Minister, what you've probably done is drawn the attention of the House to another problem, responsibility for which falls within your ministry. You are right in identifying as a problem the looseness or the lack of monitoring in this whole area concerning those who fill out tax forms. But I'm not sure that the attempt to deal with it amounts to a credible attempt.

I'd like to refer, if I might, to an article that appeared in the *Toronto Star* on Saturday, April 2 of this year, in which Paul King, who was a staff writer of the *Star* at that time, had made up a hypothetical group of statistics, facts and figures which he then proceeded to take around with his new identity as a teacher, I think, to various firms in the city of Toronto that were providing the service of filling out the income tax forms, which is a service that we address ourselves to in section 4. He took his form to 10 different companies—

Mr. Breithaupt: What has this got to do with the bill?

Hon. B. Stephenson: That is what I'm concerned about.

Mr. Davison: From which quarter was that comment? I would answer it, Mr. Chairman, as section 4, trying to provide some control—

Mr. Foulds: Right on.

Mr. Davison: —over the practices involved in people filling out the tax forms—

Mr. Breithaupt: Oh.

Mr. Davison: The minister has said that we have to use this word "reasonable" or "unreasonable." What I'm trying to do, with the kind permission of the Chairman, is to determine what we mean by unreasonable.

He then took his figures to 10 different companies and the companies, if they had

done their work properly, would have found that he should have had a return of \$1,008.70.

The first company he took it to was H and R Block on Yonge Street and they were very close. They told him he would have a refund of \$1,038.39 and for that they charged him \$40. They were very close, but they figured it out wrong.

Then he went to Beneficial Finance Company of Canada on Bay Street. They charged him \$30 and indicated that he owed the government \$46.86. This was somewhat of an error on the part of Beneficial Finance.

He then took his forms to United Tax Service on Bay Street. They only charged him \$15 and they told him that his refund from the government would be only \$741.20. They also were out by a substantial amount.

He then took it to Eaton's at Yonge and Dundas Streets, had the form filled out at a cost of \$58 and was told that he would have a refund of \$1,135.50.

He took it then to D.C. Smylie and Associates of Eglinton Avenue East and they charged him \$50 and told him he would get back \$1,135.50.

He took it to Simpsons. They filled out his form at a cost of—

Mr. Breithaupt: Is there a Macy's in town or a Gimbel's?

Mr. Davison: I can't find the cost. At any rate, they were out by \$234.90 and had charged him \$25.

Hagerman Jones and Company, whom he took it to next, charged him \$30 and told him he would have a refund of \$361.22.

Canada Trust Tax Return filled it out for \$40 and told him he'd have a refund of \$1,011.50.

Gerald Doyle charged him \$50 and told him he would have a refund of \$907.10.

Finally, General Tax Service, for a fee of \$24.25, told him that he would have a return of \$1,034.80.

The point I'm trying to make—and I think the article makes it fairly well—

Hon. B. Stephenson: Weakly.

Mr. Davison: —is that indeed the minister has found a problem. Which of those rates is reasonable when they range from \$15 to \$58—that's a considerable difference—which of those companies is providing a proper service, which of them isn't, when one of the companies is out by over \$1,000? And none of the companies are terribly close.

I don't quite understand what section 4 will really accomplish. It sounds nice and it's a step in the right direction, but I think

that if we're going to solve this problem, we'll have to deal not just with those who are discounting income taxes but with those businesses in general.

You have shown us that we have a need for legislation from your ministry and I hope that you'll take that under consideration. Income tax time is coming upon us shortly. I would be quite happy to see, before the House in the next few weeks, legislation that would give effect to the opinion that you've put forward in section 4 that these companies shouldn't make an unreasonable charge. They'd also see legislation that would encourage these companies to fill out the tax form properly. Thank you.

Hon. Mr. Grossman: Mr. Chairman, to deal once again with section 4, I think we should repeat that this is obviously only a statute to deal with income tax discounters. It's not a statute intended, purported or held out in any way to be dealing with the charge made by people who are in the business of filling out and preparing income tax returns.

If the member will think about it for a moment I'm sure he will agree that he could go to any number of accountants or lawyers for some assistance in preparing income tax returns and get, indeed, not only a wide range of charges but a wide range of results. Fortunately, National Revenue does look at these things, does some checking and often corrects even the professionally-filled out form.

In any case, all that is extraneous, as were most of the remarks, because the subject here is a section which is meant to avert a move made by true tax discounters to get around the Act, to loophole the Act, by making an unreasonable charge for allegedly preparing the form.

I think the member will agree with me that in order to make the same type of money they were making as true tax discounters they're going to have to charge such a totally unreasonable fee—ranging a lot higher than the fees read out by the member a moment ago—that it will surely not be difficult to spot a charge for preparation of income tax returns that is tantamount to what formerly was an 800 per cent per annum rate of interest. That amount of service charge for the preparation of an income tax return really shouldn't prove to be that difficult.

I know the member will agree that we have to have this clause in here; that we must do something to prohibit the unreasonable charge. I hope he will agree that the only sensible way to do this in a piece of legislation is to specify some of the criteria upon which that assessment will be made. If he'll think about it for a moment I think he'll see

that the amount they have to charge for preparation will be so gross and astronomical that it should be fairly easy to spot. In fact, I don't anticipate much attempt in view of this section to circumvent the intent of the Act in this route.

Mr. Deputy Chairman: The member for Hamilton Centre. Are you still on section 4?

Mr. Davison: Yes. The point I'm trying to make, Mr. Minister, is that the approach you're taking is the correct approach. We don't want these characters to stay in business because they can circumvent the purpose of the Act by charging an unreasonable amount of money.

The point I was trying to make to you by example is that when a fee for a service can vary from \$15 to \$58, and who knows how much higher, what is "unreasonable"? When these guys can justify charging three, four or five times the going rate for service, they'll make such an amount of gravy from this service that they'll almost be doing as well as they did in their previous business because it's a much more lucrative field than this one.

All we may do, without companion legislation, is take these guys out of the business they're in now and put them in the business of filling out income tax forms. If these guys are ripping off the consumers in the area of discounting, I don't think that it's particularly useful to kick them out of that and throw them into this other area where they can rip off the consumers.

[4:00]

Recall, please, I commended you for the effort. One, I just don't know how we are going to define unreasonable charges when the market rate goes anywhere from three to four to five times the lower rates. Two, do we just shut off one avenue of attack on the consumers and turn these loan-sharkers into slick accountants?

Hon. Mr. Grossman: Mr. Chairman, let's try and keep in mind what is likely to occur. The member is concerned we may drive these people into a different business. That's fine. I want to make it clear it's okay with me if they go out of tax discounting. If they go out of tax discounting, they will in fact become just another firm of people who are helping people make out their income tax returns.

I would wonder why someone would go to—I don't want to use any names, but So and So Tax, formerly discounters, now carrying on business as income tax return preparers, that are charging 50 and 60 and 70 per cent, when they can go to any of the firms read out by the member, including Eaton's and some others, which are providing this service as a

true, longstanding, reputable income tax preparing service?

In fact, they won't go to these people, because the only reason they are going to the people we are dealing with today, is the consumer is walking in with an income tax return and walking out with money. Once that aspect of the transaction has gone I don't expect to see consumers walking back into the place that's open on Yonge Street near my office to have their income tax return prepared and walk out with less money than they walked in with.

The operation we are dealing with today is people who can open up and offer you cash for your income tax return. Once that's gone out of the business then the people we are worried about, in essence, are unlikely to go into the other business.

As I say, I understand the point and obviously we don't like to see unreasonable charges made in any business. My point is you can go to a whole range of lawyers and accountants who will charge probably at least the rate you have read out of the paper and maybe more for preparation of returns. You always have that problem whether you are looking for a divorce or an income tax return prepared. I mean the member for Brant-Oxford-Norfolk (Mr. Nixon) and I may disagree about legal fees, about Legal Aid and about lawyers, but I can tell you in many instances you will find all sorts of explanations. You know—"This was complex"; you spent that amount of time on it; "You wanted special attention"; I didn't know you had an extra form." This is not, I want to make clear to the member, my way of justifying any sort of charge, be it reasonable or unreasonable. In all instances, I would hope that everyone carrying on business, whether it's preparation of income tax returns, or dare I say coffee, the calculation of the charge has some reference to the actual cost of doing business.

Against the people who—H and R Block, to name one firm—offer fairly effective, quick assistance, the discounters cannot compete. Eaton's and so on present a pretty available service and pretty stiff competition for anyone who really wants to charge an unreasonable amount for simply preparing a tax return.

Mr. Davison: Just one last word, Mr. Chairman. I don't mean to belabour the point, I just wanted to point out to the minister the definition of unreasonable charge is going to be a problem. He should be aware of that. Two, the minister has in fact pointed out another problem involving the whole question of income tax.

Could I perhaps just leave it with the minister in this sense: We are dealing with a difference in terms of consumer education and consumer protection.

I remember when I talked to some people about the issue of the income tax discounters earlier this year, the response was: "Well, you know, these people could go to a bank; they don't have to go to an income tax discounter. If they are so silly they are going to go in and pay a 2,000 per cent interest rate to this income tax discounter instead of paying 13 per cent at the bank, or 18 per cent at Avco, or nine and a half per cent at the credit union, what do you expect the government to do about it?" That's an attitude of consumer education—that the consumer is going to have to educate himself. Maybe the ministry will move itself to the point of saying, "Consumers, beware of this problem."

The point I am making, and the point accepted by this legislation, is that the ministry and the government have a responsibility in the area of consumer protection. If individuals or corporations are ripping off the consumers then the ministry has the responsibility to move into that area and exert influence or control, moral suasion or legislation.

I am asking the minister to look at this problem area over the next few weeks. Perhaps he can take a look at some of the companies operating in this field and see if we are going to be able to deal with problems that may arise with wording such as "unreasonable charge." Secondly, perhaps he can examine what should and can be done about the overall problem of the people involved in preparing these income tax returns.

Hon. Mr. Grossman: I want to assure the member that we have worried about the wording of this section. Obviously "unreasonable" has potential for some disagreement about what is and what isn't. We resolved it by convincing ourselves that not many people are really going to make a serious attempt at doing this. Secondly, if it is anything tantamount to tax discounting, the "unreasonable" will be so gross that it will be easily spotted.

I do appreciate the problem and I would be happy to receive any comments the member may have as this thing develops.

With regard to consumer education, I mentioned this earlier and we will be talking about it in my estimates, which are to start shortly. I am very much aware that consumer education must be pointed at those who are most susceptible to ripoffs, rather

than being pointed towards those who are able to look after themselves by hiring lawyers or reading all the available materials. That point is well taken, and perhaps we can have a further and better exchange on the subject in the estimates.

Mr. Blundy: In first reading, I mentioned that we felt this was a timely bill that we must support to rectify a situation that has been going on for some time. At this stage of the legislation I want to reiterate the support of my party for this bill. We really feel the bill will very likely overcome the problem we had been encountering in this city and throughout Ontario.

The member for Hamilton Centre raised a good question. I believe it will not be a problem as far as what is carried on under the jurisdiction of this bill is concerned. I believe that most people will not continue to go to a discounter of an income tax rebate; this is going to discourage it very much.

The matter of the varying prices that accountants and others charge for anybody who patronizes them is going to be managed by the competition in the business and in society. There isn't much that can be done in that way, certainly not in the discussion of this bill.

The point raised by the member for Hamilton Centre is a good one, and could be the subject of information to consumers, informing them of just what sort of services are available and what sort of charges are made for those services. But that is another question. I feel this is a good bill and we support it 100 per cent.

Section 4 agreed to.

Sections 5 to 9, inclusive, agreed to.

On section 10:

Mr. Davison: I don't mean to be seen as wanting to be overly punitive towards some of these companies, in spite of the social damage I feel they've caused. I don't want to take out my punitive instincts on some poor office clerk or the guy who happens to sweep the floor in the discounting office. But I'm not convinced that a fine of \$5,000 is really adequate.

I can see reasons for having even a lower fine, as far as the employees of the firms or the people involved are concerned. Perhaps a more adequate arrangement—and I don't intend to make it an amendment—would be to consider a fine for the corporation or the company or the partnership or whatever arrangement they're operating under, a fine perhaps in the neighbourhood of \$25,000. With an upper limit of \$25,000 and no

lower limit, a court may be more inclined to give a heavy fine.

I've seen in the House, as I know other members have, many pieces of legislation—perhaps the best examples are in the environment field—where there is nothing too wrong with some of the penalties. However, there are assessments of \$100 where the fine should perhaps be \$5,000. If with these corporations we had a substantially higher upper level for the fine, we may get a bit more respect for the law. If what happens is that every time the discounters are convicted they simply get a \$100 fine, it may well be in their interest—it certainly will be in their interest—to say damn the fines and keep going.

I suspect the minister has already considered that but I'd like to hear his explanation of the points laid out in section 10.

Hon. Mr. Grossman: Looking at the total concept of what this bill is likely to do, I can never tell what a judge is going to do, regardless of what the maximum is. That's something we all live with. Although with judges being lawyers, we're in fairly good hands, I suppose.

Mr. Swart: A bit prejudiced.

Mr. Bounsall: You can't say that with a straight face.

Hon. Mr. Grossman: I wish I had been here yesterday when the member for Brant-Oxford-Norfolk (Mr. Nixon) was on. We won't dwell on lawyers this afternoon.

The people we're really after are the people who are institutionalizing this practice—people who are going to go into business, open up on Yonge Street and take in dozens and hundreds of consumers. The question is, are they going to risk the possibility that a judge is going to come along and slap them, not with a \$5,000 fine for opening up, which isn't what the Act says, but a maximum of a \$5,000 fine for each and every tax return they put through and take a discount on? If they are in there for any amount of business, say, 10 in a day, they are liable to a fine. I can't guarantee what erstwhile lawyers-cum-judges will do. One would think, if the ordinary practice is followed—and I know the member will be aware of this—as offences tend to repeat, the minimum fine moves up to the maximum.

If anyone is going to go into business the decision that person is going to make is, "Do I want to risk the possibility of facing perhaps one \$25 fine and a second \$50 fine, but by the tenth fine it's \$5,000 and on every fine after the tenth form I fill out, I'm liable to \$5,000?" It's hard to make a profit when

one is paying \$5,000 fines for every income tax return one is discounting.

[4:15]

The point is I am convinced the section has sufficient punitive powers to discourage anyone from going into the business and running that risk. That is the important thing. It is not a section like some other laws to get the guy who speeds. Although he continues to drive a car, he speeds once in a while and he pays that fine. This is a different sort of thing; it is to discourage people from engaging in the practice as an overall practice.

Looking at it from that standpoint the \$5,000 should be far more than sufficient to stop people from carrying it on as a general practice.

Mr. Davison: That rather depends on how enthusiastically these characters are pursued through the system.

Hon. Mr. Grossman: They will be.

Mr. Davison: They will be by the ministry?

Hon Mr. Grossman: If you will recall the other sections of the Act with respect to them filing with us, posting notices, I have already stated my current investigative staff will be checking on what is happening and so on. I can really say to the member it will be pretty closely watched and policed.

Mr. Davison: Mr. Chairman, this may well be out of order, but I am sure the minister will indulge me.

While section 10 applies to what happens if we catch them, we don't really deal with how we get them. And the minister, I suppose, is aware there are in our society certain elements that operate beyond the law, especially in our major urban centres. There is an involvement of organized criminal associations in areas like this and other loan-sharking fields.

While I realize it is not really the responsibility of this ministry to crack down on those kinds of criminal activity there seems to be some way in which we can penalize these people if we catch them. But how do you deal with the problem of the neighbourhood loan shark discounting these forms and not opening up a corner store and dealing with the ministry? I guess what I'm asking is will the ministry be active in that sense, in pursuing this to track down the people, be they individuals or those involved in organized crime, to make sure we catch them and stop them from involvement in this?

Hon. Mr. Grossman: I would be less than honest if I said we were going to hire a massive force or even one additional person

to go traipsing through all the back porches and back fences of Hamilton. We don't have this going on in the back streets of Toronto, of course, but in Hamilton, I understand the member's concern.

It is something any police force can and should be pursuing as any other activity beyond the law. We have as well an investigative force in our ministry and I have indicated they will be covering it and watching it. I can't tell you they are going to be going into every pool hall in Ontario to check what is going on. We just have a maximum amount of work we can do and there are more heinous consumer offences with which we are concerned. We really are satisfied this will eliminate a vast majority of what is going on. What is left ordinarily will be within the purview of the police departments in pursuance of their other duties and I would expect if I could add investigative people to my staff, the member would probably agree he would prefer I allocate that extra resource to some other area of consumer problems.

Having said that, I want to assure you we will be watching pretty carefully, to the largest and feasible extent possible to effectively cut out the practice as we see it. Together with the other provisions of the Act I think it will work fairly successfully.

Mr. Davison: I just wanted to point out to the minister if we are successful in driving these rather shady characters out of business, what in fact, could happen is the service will be taken over by even shadier characters. As long as the minister is aware of that concern, perhaps we can deal with it at another point in time. If in fact, that does happen perhaps the Attorney General (Mr. McMurtry) will be the appropriate minister to deal with it when it gets that far along. But I want the minister to understand it is a real concern. There are people even worse than Mike's Tax Service, or Instant Cash, or Shield's Tax Service.

Hon. Mr. Grossman: Do you have a tax service?

Mr. Davison: No, no, they are using my name terribly. They're abusing my name.

Mr. Samis: Larry's Tax Service too.

Mr. Davison: Yes, there is a Larry's Tax Service.

Hon. Mr. Grossman: It may be an improvement. Could help you.

Mr. Davison: It is not overly far from here.

Mr. Foulds: Shouldn't have raised that point.

Mr. Deputy Chairman: Order.

Hon. Mr. Grossman: I tell you he is a better operator than Mike's, though.

Mr. Davison: I just want to leave that with the minister as a concern I have and I hope he shares it.

Mr. Deputy Chairman: Shall section 10 carry?

Section 10 agreed to.

On section 11:

Mr. Davison: Mr. Chairman, I gave notice of an amendment to section 11 last week and I would like to put it at this time.

Mr. Foulds: It is only a section? Good, I can go back.

Mr. Deputy Chairman: Mr. Davison moves that section 11, subsection (e) be deleted.

Mr. Davison: When sitting on the statutory instruments committee I get very concerned about the powers we give in regulations. We live in a society where in many cases we are governed by regulation rather than legislation. As a legislator in this province I am very concerned about delegated authority.

Quite frankly, I trust the Lieutenant Governor in Council.

Hon. Mr. Grossman: And her ministers? And her entire executive council?

Mr. Davison: No, no, the Lieutenant Governor in Council.

Mr. Swart: That's pushing things too far.

Mr. Davison: Yes, you are pushing me too far.

Hon. Mr. Grossman: Always takes our advice.

Mr. Davison: I trust the Lieutenant Governor in Council. For example, if we are dealing with 11(c), the prescribing of the form and wording of notice, we are not going to run into a situation where we are going to get a business card stuck up in the washroom as notice to the consumers. There is no problem. But I frankly do not see the need for a subsection like 11(e) that in effect allows the minister to exempt any class of person from the provision of this Act. I suppose there could be reasons, but we in the Legislature, all of us, are reasonable men and women.

Hon. Mr. Grossman: Let's not go overboard.

Mr. Davison: If the minister has a reasonable reason for requesting an exemption then the minister could simply come to us and put the case. If it was discovered, Mr. Minister, that in fact you were indeed the operator and owner of Larry's Instant Tax Service, and you found there was an un-

due hardship being worked on you, and you just couldn't get by with five per cent, and because you were the minister you should be exempted, you could come to us and put that to us.

Hon. Mr. Grossman: What would you do?

Mr. Davison: We are reasonable. We will be reasonable.

Hon. Mr. Grossman: That is what I am worried about.

Mr. Samis: You are not the only one.

Mr. Davison: And I suppose, too, I could come to you and we could deal with Mike's Tax Service—

Mr. Samis: And how.

Hon. Mr. Grossman: There is where we draw the line.

Mr. Davison: —in the same reasonable fashion. There is just no reason for legislators giving over that kind of delegated authority to put it into the semi-hidden, surrealistic world of regulations that go off and disappear through the statutory instruments committee just before the committee disappears.

If we have problems let us deal with them in a reasonable and open fashion. If you think a hardship is being worked, if you think that some class of person has to be exempted then say so and we'll deal with it.

Finally, the legislation in your ministry is different in other ministries. You're not like the Ministry of Energy, thank goodness.

Mr. Samis: Nobody is.

Hon. J. A. Taylor: What's that?

Mr. Samis: We are saying you are unique.

Mr. Davison: That's right.

Hon. J. A. Taylor: Special.

Mr. Samis: No, unique.

Mr. Davison: It is this minister who is charged with the responsibility of protecting consumers in the province of Ontario, among his other duties. This is an area of government in which we have to be up front with the people and, at times, the government isn't up front. That's why we need things like the freedom of information Act. If there is a time when the government should be up front and straightforward with the people, it's when we are dealing with matters affecting consumers, because all of us are consumers.

There's a special need in this ministry for getting rid of some of the fixations that this government has with delegated authority; this government by regulation. So let's not hide it, let's bring it out in the open. If there's nothing wrong then the ministry has nothing to be afraid of. The House will exempt those classes of people.

I hope to have a serious and specific response about the Ministry of Consumer and Commercial Relations as it is connected with this government by regulation. I hope the minister will adopt the amendment as his own, so we can begin in some small way to open up the ministry, which is so closed. It is so closed, indeed, that it doesn't even present an annual report. We should be able to open up that ministry to consumers, so consumers can see just what it is that you're doing in their service.

Hon. Mr. Grossman: Of course my ministry is wide open to consumers. Not only is it 100 per cent wide open, but it will be 150 per cent in the near future.

You can relax, because I accept the amendment. It's perfectly all right, we don't want to have any suggestion, and never have, that we unnecessarily have to go the route of regulations. In all fairness, though, I think you should be aware that it was never drawn or intended to be used—nor drawn, I have to repeat that—to deal with Mike's Tax Service or whatever, or any specific person.

It says in the legislation as drafted, 11(e) "exempting any class of persons . . ." That was obviously to look after a situation which I can't conceive of right now, where someone might be in some sort of operation which we didn't intend to include in this Act but was caught. If I could think of any specifics that could come up I would bring it to your attention and perhaps you would withdraw it, or I would not accept the amendment. But I can't.

Now often without such a clause, someone is more ingenious than the minister; this is hard to conceive of but it could occur. In which case I'll remind you of your offer to be reasonable and come back to the House. To be fair, not only to my ministry but to the government as a whole, when you see clauses like this, they are always for that very legitimate purpose. We often take the time of the House to ensure the intent of the House and the legislation was clear so that if someone comes up with an ingenious plan to loophole it, we can either get him out or, in this case, let him out from the onerous provisions of the Act. In any case, I don't anticipate any problems of that sort here.

[4:30]

I might just as well take this opportunity to confirm the openness of my ministry and our concern something like that could be taken by consumers as giving us an arbitrary power unnecessarily. I don't want it; I don't like that kind of power. For those reasons,

Mr. Chairman, I'm happy to accept the amendment.

Mr. Deputy Chairman: Any further discussion on the amendment?

Mr. Davison: Yes, I have a further comment. I rise to commend the minister for accepting the amendment. I would like to promise the minister that when he brings forward an annual report from his ministry to inform consumers of just what it is he's doing, when he adopts the intent of my private member's bill before the House, I promise not to faint from the excitement of it.

Hon. Mr. Grossman: Be my guest.

Mr. Davison: I look forward to it.

Motion agreed to.

Section 11, as amended, agreed to.

Section 12 and 13 agreed to.

Bill 99, as amended, reported.

MUNICIPAL ELECTIONS ACT

House in committee of the whole on Bill 98, An Act to revise the Municipal Elections Act.

Mr. Swart: Mr. Chairman, if I might propose a procedure I'll put it in the form of a motion. I move we stand down all sections of Bill 98 prior to section 11 until it's dealt with. May I speak to the motion?

Mr. Deputy Chairman: If it is agreed by the committee we move directly to section 11 there's no motion required. Is it agreed we deal first with section 11?

Hon. Mr. Welch: And then go back?

Mr. Swart: Agreed.

Mr. Breithaupt: Perhaps we could find out why we have to do this procedure.

Hon. Mr. Welch: It is the one dealing with the election day.

Mr. Ashe: There are 15 amendments.

Mr. Breithaupt: With respect to the date of the election itself? I see.

Mr. Deputy Chairman: It is agreed then? Agreed.

On section 11:

Mr. Deputy Chairman: Mr. Swart moves that section 11 of the bill be struck out and the following substituted therefor: "Polling day in a regular election shall be the Thursday in October that follows 45 days after the first Monday in September."

I must apologize to the members of committee of the whole House. I should have called first the hon. member for Durham West (Mr. Ashe) who is introducing the bill and who has an amendment on section 11.

Mr. Breithaupt: The amendment the parliamentary assistant is providing deals with a way of resolving, as I understand it, the problem of November 11 as a holiday, which really has nothing to do with this whole theme of Thursday voting. I presume if we can dispose of or deal with this other item first then the section will in effect be carried and we'll have that amendment. But whatever the parliamentary assistant wants.

Mr. Ashe: The proposed amendment to section 11 doesn't deal at all with the one I have. If this amendment carries, that's one thing. If it does not carry, maybe the next time through we can pick up our amendment to section 11 which is appropriate, as the member says, to recognizing the possibility of a holiday.

Mr. Breithaupt: Fine.

Mr. Deputy Chairman: I think it seems to be agreed by the committee we will first deal with the amendment of the member for Welland-Thorold. If that does not carry, then the member for Durham West will be able to place his amendment. Is that agreed?

Agreed.

Mr. Swart: Mr. Chairman, I believe this motion is self-explanatory and I would ask the members of all sides of the House to give most serious consideration to it, though it may be difficult for some of them to pay close attention to what I'm going to say with regard to this because it is a practical measure, unlike comments which have been made by the Treasurer of this province and others.

The first thing I want to say about the proposed time for the municipal elections is the committee which was struck by the Association of Municipalities of Ontario and the Association of Clerks and Treasurers of Ontario has not, in fact, made any recommendation as to date and therefore this does not contravene any proposal which they have made. In spite of what the member for Durham West said, the joint committee considering the amendments to the Municipal Elections Act was quite unhappy, not so much with the lack of consultation as with the unilateral decision of the Treasurer—I can't include the parliamentary assistant in this because he wasn't here at that time—to name a date for the municipal elections back in April, and bringing in Bill 49 to confirm that statement.

I gave some documentation of this when I spoke in the debate on second reading of this bill. Apparently it didn't all get through to the member for Durham West and I would, therefore, like to reiterate today, what

was said by this joint committee of AMO-AMCTO when they presented their report, called the final municipal elections report, in July. The joint committee agreed October had often been referred to as a preferable month in which to hold municipal elections. However, they realized there are timing problems which make November elections more practical. The committee was agreed the solution to these problems might be found if the timing or method of enumeration were altered. Before the committee could present its recommendation however, the Hon. W. D. McKeough announced the proposed date for the municipal elections and the dates of all the procedures for conducting those municipal elections to the April 15, 1977, meeting of the PMLC.

Then they went on to say: "The joint committee feels that it is unfortunate that the minister did not wait, as he had previously indicated, for the recommendations of the committee before announcing the above timetable." As a result I presume, this report, which was the major report of this committee dealing with municipal elections, didn't even include a recommendation or a comment as to the date because their prerogative to do so had been usurped by the Treasurer.

I'm not going to read into the record on this amendment everything said by the committee on this. But in the middle of September, Ellen Kerr, who was the chairman of that committee, again mentioned they were disappointed about the change in the election date and that the announcement was made prior to the minister receiving the committee's report. In the response to Bill 49, they made the same comment, so neither the Treasurer nor the parliamentary assistant can say the date they have chosen, the second Monday in November, is a date recommended by the municipalities. That is a date which had unilaterally been decided by themselves.

Our amendment calls for the election date to be on a Thursday, 45 days after Labour Day. In second reading, once again, I pointed out this conforms to the provincial election date. The reasons a government committee decided provincial elections should be held on a Thursday apply as readily to a municipal election date as they did to that provincial election date.

Monday is often part of a long weekend for many people. A Thursday gives a working day for election officials and the candidates immediately prior to election day. This is necessary for both. Of course, a Thursday gets away from a Monday holiday. Even here, in the amendments we have submitted

before us, before the bill has been passed, we find the minister has to bring in an amendment. Obviously in some year, the election day is going to fall on the statutory holiday, Remembrance Day. Therefore it is going to have to be moved to another day, which is a disadvantage.

Thursday, I think, has been accepted by the government as a good day for the election. I suggest if it is a good day for a provincial election, it is also a good day for municipal elections.

We suggest 45 days after Labour Day, just after the middle of October, is also a good time of year for municipal elections. The weather is better in the middle of October than it is in the middle of November. I think we all accept that, particularly in northern Ontario.

I pointed out before there are four other provinces which hold elections in October. Six of the other nine provinces hold elections at a date earlier than the one proposed by the government in Bill 98. I pointed out too that during the last 50 years—and I guess the member for Brant-Oxford-Norfolk is the only one who will remember back that far in this House—there has only been one provincial election held later than October. Therefore the government itself must consider that November is not really a good time to hold provincial elections.

Mr. Nixon: We had a federal election in November. It was a great success, I recall.

Mr. Swart: That's a subjective point of view.

Mr. Samis: Eighteen hundred and ninety-six was the year for us.

Mr. Swart: A columnist everybody here seems to pay some homage to, a Mr. Webster, in the *Globe and Mail*, made the comments after Bill 49 was brought down to hold the municipal elections in the third Monday of November. He stated: "Mr. McKeough proposed a change of polling date from the first Monday in December to the third Monday in November, but he will make no further concession to the beastly late year weather conditions which so often make Ontario municipal elections a mockery of democracy. Turn-outs frequently climb no higher than 30 odd per cent, less than half the usual figure for federal and provincial elections, which are of course almost never held in winter or on its fringes." He goes on to talk about another item and then said both of the arguments are nonsense. He said the argument against not holding it earlier is in fact nonsense.

[4:45]

Of even more significance than the weather, I suggest, is the fact our proposal would enable new councils to take office at the first of November. It would give any new members of council the opportunity to become familiar with the responsibilities; to do the necessary planning for projects in the following year and do the necessary pre-budgetary work that piles up early in the year, as all of us know who have been on municipal councils, making the situation at that time almost impossible.

I read into the record the comments of both Mr. Archer, as the commissioner for the Niagara region review, and Mr. Robarts, the commissioner for the review of Metropolitan Toronto, during the second reading of this bill. Those who were here and those who have read those reports will know they put forth substantive reasons why elections should be held in October and the councils should take office the first of November.

The 45-day period which we proposed in this amendment, compared to the 62-to-69-day period of running the election in Bill 98, I suggest would cause more public interest. Once the enumerators go around, the people say: "Oh, there is an election coming up, is there?" They forget all about it before the next procedures and the nominations take place. If you can shove it all in to a much shorter period, you get more interest by the public than dragging it out for a very long time.

When I spoke on second reading of the bill, the member for Essex North complained that it was a bad time for farmers.

Mr. Nixon: Oh, no. You should take that into consideration.

Mr. Swart: I come from a very important agricultural part of this province. The member for Essex North said in the debate of November 15, and I quote: "I can see why his party doesn't have any farm people in the Ontario Legislature when he talks like that. He wants to have the vote in the second week of October"—Of course, this doesn't provide for an election in the second week of October at all; it provides for it in the third week, perhaps even the fourth week.

Mr. Nixon: Forty-five days after the end of September, or something like that.

Mr. Swart:—"and I can tell you, in Essex county and southern and western Ontario that that is about the busiest time for farmers that there is, taking off the crop. The asphalt farmers down there"—I presume he is referring to the Niagara Peninsula—"just don't understand that you have got to get your grain off in the fall of the year; it has to be taken off and you can't be running up and

down the roads campaigning for reeve or deputy reeve or council."

I am not sure of the weather conditions there, but down in the Niagara Peninsula we usually take the wheat off in July; in August we take the oats off; we usually get the corn off before the latter part of October—

Mr. Ruston: You haven't done much farming; I can tell that.

Mr. Samis: His heart's in the right place.

Mr. Chairman: Order.

Mr. Ruston: You want to go back to school.

Mr. Swart: I would suggest to the member for Essex North that he really is not terribly knowledgeable about farming when he makes those kinds of comments.

Mr. Nixon: Now you are asking for it.

Mr. Swart: It is past. The proposed date for the election is in fact past the busiest time for farmers in almost all, and perhaps all, parts of this province.

Mr. Ruston: Absolutely wrong.

Mr. Swart: I do resent, too, his comments about the asphalt farmers down in the Niagara Peninsula.

Mr. Ruston: The NDP.

Mr. Swart: I am not sure why he wants to insult the farmers in that area. He should know that in my riding alone we had two great kings over the last 20 years: we've had the winner of the Herd Improvement Association, the winner of the Crop Improvement Association—

Mr. Ruston: We've got Miss Canada.

Mr. Samis: What's that got to do with farming?

Mr. Chairman: Order.

Mr. Ashe: Mr. Chairman, this isn't a farm improvement bill.

Mr. Swart: In that regard I would just say finally that I think the regional council of Niagara represents the farmers there better than does the member for Essex North when it asks for the municipal elections to be in the middle of October.

Mr. Nixon: We were thinking of supporting you, but—

Mr. Ruston: I thought you had a good argument, but you spoiled it.

Mr. Swart: The arguments that have been put up against the October election day, and I'm sure the member for Durham West will agree, have not been primarily because it's not a good time of the year or because Thursday isn't a good day, but rather they say it can't be done procedurally; you just can't shorten a period down to 45 days.

I could quote the statement by Mr. Meen back in 1972, when they were debating the Municipal Elections Act, that it couldn't be moved up any further than the first Monday in December. I won't take time to quote that, but I will quote the Treasurer when he tabled Bill 49 on July 7. Talking about municipal elections and the day, he said: "This, in combination with the variety of other complex, time-consuming election procedures, has proved the third Monday in November to be the most feasible date."

In his statement relative to the first reading of Bill 98, he made the following comment: "We have been able to adapt the election process to the earlier date without any deleterious effect on essential procedures. At this time we believe this change is the earliest possible within the constraints posed by these procedures."

Then just last Friday, in speaking to the PMLC, he made these comments: "There are amendments before the House which will shorten the election, move the date once again from the now second Monday in November to October and shorten the whole process to 45 days. We've gone over the whole thing again with Revenue. We feel that it is not possible or it is only possible if the municipalities wish to assume the enumeration function. They might, I suppose, if we were going to pay for it. Regardless of who pays for it, it would represent a duplication of effort and additional costs, so far as we can figure out, of about \$4 million. I am not prepared to pay the \$4 million. I don't know whether you are or not. I doubt it."

"I doubt that it could be organized for less than a year from now. I would simply have to tell you—and George will say this on second reading—that we believe the amendments which have been put forward are unworkable and impractical. If perchance at committee they should carry the House, the bill will simply have to be withdrawn, because it is as simple as that."

Let me say as clearly and assuredly as anyone can that it is procedurally possible and practical to start enumeration the day after Labour Day and hold the election 45 days thereafter. In fact, the time frames of the proposals we make, which are incorporated in some twoscore amendments, are superior to those in Bill 98. It is done through a judicial mixing of municipal and provincial election procedures. It is done by getting away from the step-by-step, sequential procedure described by Mike Smithers in the September 1976 issue of *Municipal*

World; and it might be wise to read that again:

"To understand the delay in reaching a solution to the procedural problems of a date change, it is necessary first to recognize the existence of an historical philosophy developed in the earliest election procedures in this province and continued in the latest statute enacted in 1972. Simply stated, it is a projection of the orderly manner of conducting life in an agrarian society with its sow-grow-reap methodology which requires each step in a procedure to be fully completed before commencing with the next step."

I just say to you provincial elections can be conducted in 37 days. There are now only two differences in the electoral qualifications. One is the non-resident voters and the other is the separate or the non-Catholic school supporters. These are the only two differences between the lists that are used for municipal elections and the ones that are used for provincial elections.

I say it can be done and it can be done reasonably. To prove that it can be done, I want to deal with the two alternative procedures, our proposals and Bill 98 in some detail. I want to do that with some hope that the party on the right, if it can be shown that it can be done, might be willing to consider supporting our amendment.

I am conscious of the fact that the member for Waterloo North stated on second reading: "Unfortunately, the technical aspects of preparing for the election day are such they can't move further ahead at this time. However, we welcome a change in election dates to an earlier date, if this can be proved workable." I think that it can be proved workable and I would like very much now to try to prove that it can work.

Under our amendment enumeration would start on the day after Labour Day and continue until Friday of the following week, which would be on September 15, if I could use the year 1978 as an example. The proposed legislation says that enumeration starts on September 5 and carries on for a period of approximately four weeks. Under the present Act it is September 30.

I trust that the parliamentary assistant will know that at the present time enumeration is done within the two weeks. For the assessment commissioners to get it all through the computer, they now have to have enumeration within two weeks. This does not really speed up the enumeration process per se. It may change the Act but it is all done now within the first two weeks. In fact, they tell me—and I have had extensive consultation

both with the assessment commissioners and with various clerks over this matter—that they start feeding that computer usually within two or three days after Labour Day because there are those who concentrate on getting the enumeration done and having it back to them within that period of time.

Where we really make the change and do two things in parallel to make the procedures practical is that enumeration, plus the non-resident voters' list which is currently always on hand with the assessment commissioner, are combined and posted as the preliminary voters' list on September 15. I should explain that in a little more detail.

At the present time, the assessment commissioner has the record from year to year of the residents in a municipality, plus the non-resident voters, the owners and those who operate a business there. Four or five days prior to the start of the enumeration he sends a form out to each of the non-resident voters asking them if the information he has on file is correct. If it is correct they keep the form. If it is not correct they send it back or somebody else sends it back and they correct it. That, then, is fed again into the computer. The enumerators start their enumeration; as soon as they start bringing in their returns they are also fed into the computer.

[5:00]

There would be no difficulty, whatsoever, they assure me to send out the notices to the non-resident voters one, two, or three weeks sooner; have those returned, and turned over to the enumerators, who could add those to the enumeration they do; compile that list and post it up on a pole or some other place within the polling subdivision, exactly as they do now in a provincial election. That would be the preliminary voters' list, which would be on the pole for everyone to see on the 15th. This would also go to the clerk of the municipality, and would be his preliminary voters' list, which he would then check over, as he does now, and then send it to the voters.

The present procedure is that the enumerator must turn all of the information back in to the assessment commissioner, which of course they would still do under the present procedure, except that they would tick off the names and compile the voters' list. They must turn it back in. It takes approximately three weeks to punch this all into the computer and get the lists back out. Then that list must be turned over to the clerk by October 6. That is then the preliminary voters' list of the clerk.

What we are talking about here is a saving of three weeks. Under the procedures which

our party proposes, you can have the preliminary voters' list on September 15; under your legislation, Bill 98, you can't have that preliminary voters' list until October 6, that is three weeks later. This is where the real saving in time can take place.

I would point out that there would be practically no additional costs in this procedure. You might have to pay the enumerator a little more, if they have to compile the list, but they have to do this also for provincial elections. By this process we would be able to get the lists prepared three weeks earlier.

In the meantime, the assessment commissioner can still be feeding the computer, find any duplications and inform the clerk, prior to the court of revision, so he can make any changes required.

We also propose that there be special enumeration, as there is in the provincial election. This special enumeration should start on September 18, if I am using a 1978 example. The voters' lists are put up on the 15th, turned in to the clerk on the 15th; the special enumerators are then appointed. Where any notification is given that somebody has been left off the list, they will go out and pick up these names in exactly the same way they do now in a provincial election.

That would carry on until October 3, which would be two weeks. The court of revision would be held from October 4 to October 6, three days, and that court of revision would finish 13 days before election day.

Under the present procedures—and this is pretty significant—the lists would have to be posted by October 21, 22 days before election day. The court of revision ends October 27, 17 days before election day. That would mean persons would have only one week in which to check whether their names are on the voters' list and to get their names put on the list, if not. Under the procedure which our party proposes they would have three weeks. They would have two weeks and two days of special enumeration and then another three days of the court of revision. I think it becomes perfectly obvious that it's much easier then to get one's name on the voters' list than it would be under the procedures which we have in Bill 98.

The clerk makes the changes in both cases as a result of the revision and, in the case of our amendment, as a result of the special enumeration. That is done 13 days before election day in our case and 17 days before election day in the case of the bill we have before us.

Under our proposals election day in 1978 would be October 19. Under the proposals of

Bill 98 it would be November 13. Nomination day in both cases would be three weeks prior to election day—September 28 in the case of our amendment and October 23 in the case of the bill which we have before us.

That is a brief explanation—perhaps not so brief—of the procedures which could be put in place, practically and feasibly, if we were to establish the election day as the 45th day after Labour Day. Let me point out some of the advantages of our proposals. Because preliminary lists are posted in the polling subdivision where a person lives and are there for 21 days before the end of the revision, compared to a maximum of five with no local posting under Bill 98, electors are much more apt to know if they're on the list. I think that's a factual statement. There is no question about it.

If they have only five days to find out if they are on the voters' list and if there's nothing posted up on local poles in a local subdivision, I suggest to you most of those who are left off are never going to get on the voters' list. If you have the preliminary list up on a pole in the subdivision and have special enumerators so you only have to send out a special enumerator, then they will get their names on the voters' list. It is much easier to get on the list under our procedures than it is under the procedures in Bill 98.

Again, in the proposals which we make the preliminary list of electors would be posted 13 days prior to the final nomination day, compared to two days under Bill 98 which is before us. The latest day for posting of the preliminary list of electors under Bill 98 is two days before the nomination day. That can make it rather difficult for a candidate who wants to check the voters' list to see if his nominators are on the voters' list and wants to deposit that list two or three days before the last day for nomination. It makes it extremely difficult. Our proposals give 13 days from the time of the preliminary list is up until nomination day. I say that's a big plus.

I want to say also that formerly, and under Bill 98, the clerk could spend many days, and often did, being available to revise lists as electors would come in to him. He has certain time limitations when he has to have the final court of revision and the first court of revision, but he can carry on ahead of that time and most clerks did spend a lot of time at it.

Under this proposal, the special enumerators would pick up the names which are left off the voters' list, up until the three days of the court of revision. He would only have

to be there for three days at a court of revision, which certainly takes some of the load off the clerk. Again, I should point out these proposals are based to a very large extent, not on some abstract theory but on the practices followed in provincial elections at the present time.

Another big advantage, I suggest, is that under our procedure there would be uniformity of procedures. Every election year there would be a regular 45 days between the start of enumeration and election day. Under the proposals in Bill 98, you'd have one year with 62 days and the next year with 69 days. It's very difficult for a clerk, a returning officer, to set up uniform procedures when you have a variation in the number of days and when many of the provisions of the Act are related to the start of enumeration; many other provisions are related to election day in time. Because of that, there is a great confusion in the procedures. I'm now going to hope that the member for Durham West will comment on this. Do you know under Bill 98 before us, the periods for the court of revision will vary from one day to seven? If you take a calendar and look at it for the years ahead, the final day for the court of revision in some years will fall on the first compulsory day for the court of revision. One day on which the court of revision must be held.

I may be wrong, but I suggest to the member for Durham West that was not fully explored in this bill. In fact, I talked to a prominent member of the committee and he said, "No, we didn't realize that in the bill in some instances there would only be one day provided for the court of revision."

I'll tell the member for Durham West the exact dates, if I may. If Labour Day falls on Monday, September 6, according to Bill 98 election day will be Monday, November 8. The only day that a court of revision will have to be held is Friday, October 22—one day. I can read you the sections of the Act. Let me give them to you. Read section 24 (b) and section 25 (3) of the Act and you will find that my allegation is correct. The last day and the first day for the court of revision are the same days.

Under our proposals, the election date can't fall on a holiday, but of course it can under Bill 98.

A procedural advantage of our proposal is that the clerk would also have two weeks to print the voters' lists. Under your proposal you have as little as eight days to meet the compulsory time—as little as eight days to have the voters' list printed. Even then, they

will only be posted in his office and the other two prominent places five days before the final day of the court of revision.

[5:15]

Under our proposals or Bill 98, and they are the same in this respect, nominations will be held prior to the final court of revision.

Arguments were put forward by the minister previously that we must finish the court of revision so we know the voters' list is accurate before nomination day. Of course, that has been the practice up to now. But Bill 98 steps over that boundary line and so that is no different to the proposal which we are putting forward.

Through both our proposals and Bill 98 there can be inadequate time to go through notification procedures to take someone off the voters' list, if you read section 28(2). We propose, in our amendment of the bill, that a person would be notified by the clerk by registered mail if he is taken off, for instance, on the second last day of the court of revision, and the reasons. If his name was incorrectly removed he could avail himself of section 33, which is the clerk's certificate to allow him to vote, or under section 56, which permits him to vote on election day by taking an oath.

We feel that these proposals are exceedingly practical. The real change in them is in the matter of the preliminary lists, whereby under our proposals they would be a combination of the enumerators' list that you pick up on enumeration and the non-resident list as provided by the assessment commissioner. The assessment commissioner would still have the time and the opportunity to cross-check all of these—the same amount of time as he has now—to get them into the court of revision for any changes. They tell me the changes are normally not great in the non-resident list, not anything as great as they are in the other lists. In normal instances there are not more than five changes in a thousand in the list.

In every way, we suggest that our proposals are as feasible as, or more, so than, those we have before us in Bill 98.

I say to the member that if you assess these proposals objectively you'll find they are workable. There is no extra cost. I don't know where the \$4 million comes from. I presume that that is a second enumeration that is proposed. Am I correct in assuming that?

There are no extra costs. We just do the enumeration the same way that it is done now and it would provide an efficient framework for the conduct of the election. I

suggest that it will provide for more involvement in the elections and, perhaps, enhance turnout.

I hope that I have persuaded my colleagues on my right that it is a practical plan and that they will vote for our amendment to this section. Whether they do or not, all they will succeed in doing is delay it; it's going to come. Elections are going to be held in the middle of October, because it makes sense. Like most other progressive measures, whether it's health insurance, rent review or whatever, the NDP has promoted and popularized it, then the government finally backs down and accepts it.

I suggest this proposal we have for the election date in October be considered and I hope the parliamentary assistant will deal in detail with my proposals. If he can point out flaws in them I would be glad to have them. If he can't I hope he will admit they are practical. I suggest that it will come in this province.

Mr. Epp: In speaking to Bill 98 and in particular to the amendments that the member for Welland-Thorold has introduced, I want to say that we wanted to give him the opportunity to introduce these so we could dispense with them in one way or another and get on to some of the other amendments, some of which we have proposed and which we hope will find favour on both sides of the House.

The election date that has been incorporated in the bill is the one that will get the support of this party, Mr. Chairman. We feel the amendments proposed are not going to give sufficient time for the preparation of the municipal election.

A matter of which all members of this House should be cognizant is the preparation for a municipal election is much more cumbersome than for a provincial or federal election. There are many more questions being asked at the municipal level and therefore it's important that accurate answers be obtained and recorded.

Another aspect is the member for Welland-Thorold mentioned by having the enumeration and everything crowded into a shorter period—and I understand I have the attention of the members for London Centre (Mr. Peterson) and Kitchener (Mr. Breithaupt) on this—you are going to have more interest. I submit the interest is not reflected by the turnout in having a short election period but in having presentable candidates and very interesting issues—something in which the people are interested and to which they relate easily.

For instance, if we were to follow that suggestion, you should have a higher turnout for provincial elections as opposed to federal elections, because some provincial elections are run over 37 days. If you go through all the elections in the last number of years, you will find there's a bigger turnout for federal elections which are usually over a span of 58 days as opposed to about 37 to 40 days for provincial elections. Therefore I submit just to crowd something in over 45 days does not necessarily guarantee and really isn't a factor in bringing out more people on election day. The reason people don't come out for municipal elections in great numbers is because they are not as interested in the candidates or the issues as they might be.

In trying to keep this debate short as I realize there are a lot of other amendments to which we want to talk, I will conclude my remarks by saying we will support the government on having the election date on the second Monday in November.

Mr. Ruston: The member for Welland-Thorold made remarks about the agricultural industry in western Ontario. I would think if the former president of the Canadian Federation of Agriculture had won his seat in Middlesex for that party, he would have brought to the attention of the House the problems there could be if this voting day is held in October. Since he wasn't able to win, there isn't anyone to bring the member up to date on what's going on. Just to advise the member, all the soya bean and corn crops were taken off in Essex and Kent counties this year after October 10. Maybe you should be aware of what goes on. I can think of at least 57 or 58 farm people in my own county who are elected to council who would have been prevented from running for office if it was this early. I want the House to know and the member to realize that situation.

Mr. Ashe: If I may go backwards, in reverse order to the speakers, I would just like to acknowledge and show appreciation for the remarks by the member for Essex North in support of the early November date and to recognize the points he made on behalf of the agricultural community, which we are all striving to help in every way possible.

The member for Waterloo North obviously recognizes that we can't simply talk about some time frames and relate them specifically in terms of so many days to do this and so many days to do that. I think everybody recognizes that we can do anything we want, practically speaking, in any time frame; but what we are concerned about is the results

that come out at the other end. There is not sufficient time in what is being proposed by the New Democratic Party.

The member made two particular points, one of them to the effect that interest is not generated in elections because of the time frame being too long. That is a fallacy, of course, and I think the very valid example made by the hon. member vis-à-vis a federal election versus a provincial election backs that up.

In practical terms we can talk about days and dates all we want, because we are in the process—and many of us have been for many years, whether it be on the provincial scene or formerly on the municipal scene. But in the minds of the public—let's not kid ourselves—in practical terms, and particularly so in a municipal election, the election process starts at nomination day. Very little is highlighted before that time as far as the public is concerned. I think that in itself makes it significantly different from relating to the date when an election writ is issued that calls either a provincial election or a federal election. So I don't think the argument about cutting down the time frame to generate more interest is a valid one at all.

The most important point made by the hon. member for Waterloo North is really the crux of the problem as it relates to the proposal of the hon. member for Welland-Thorold. I refer to the direct, distinct and significant differences between the kind of election data gathering that takes place during a municipal election versus the kind that takes place during a provincial election process.

During a provincial election, in practical terms, other than the citizenship and age qualifications, you are literally gathering names. A body means a name means a vote. It's not quite that simplistic; I appreciate that. But for all practical purposes, that's really it.

When we are talking about a municipal election, we are talking about a much longer process. We are talking about resident electors. We are talking about non-resident electors. We are talking about verification of ownership. We are talking about discussing school support and verification of school support.

All of these things take a great deal more time, not least in terms of the physical accumulation and verification of these names, both by mail in the case of non-resident persons who are being enumerated, but even in person for those who are being enumerated locally.

The most significant point being forgotten in the procedures suggested by the New Democratic Party is that we want to come out at the end with a reasonably accurate and complete list.

The hon. member for Welland-Thorold on many occasions said, "They tell me." "They tell me," I assume, is probably one person—

Mr. Foulds: No.

Mr. Ashe: —who, hopefully, has an assessor function. I don't belittle that fact; I assume that's the case. But the "They tell me" I'm putting forward for the consideration of this House is the people who have to administer it, not only in one particular jurisdiction, and probably a relatively small one, but right across the province. And they tell me—that is to say, the numbers of people involved in the process—it is virtually impossible without the almost complete duplication by the municipality of what the province is doing now. I say duplication, because the province would have to do it anyway.

[5:30]

The hon. member for Welland-Thorold said the joint committee did not make any recommendation regarding the election date. That's true; they did not. They did not make a recommendation versus our date in any way, nor did they comment or make any recommendation to do with the one that's proposed by the hon. member for Welland-Thorold. So although he leaves the suggestion that the one suggested by the government is an arbitrary one, I suggest that the one being proposed by the hon. member is, in terms of the process that we went through, equally as arbitrary.

As for the election day being on a Thursday or Monday, I'm told that the joint committee did not consider this in any way—that is the reason they did not comment on it. We've had discussions as recently as last week with the chairman of the joint committee, Ellen Kerr from Sudbury. She saw no problem with Monday elections. The point that some hon. member brought out last week about access to the clerk over the weekend in her mind was not a valid one.

Mr. Foulds: That was one clerk in one place.

Mr. Ashe: Granted, one clerk, one place. But she was the chairman of the committee we were involved with on a consultative basis for an extended period of time. So, hopefully, she was speaking, at least in some degree, on behalf of more than just herself.

The other situation, of course—and I think I alluded to it earlier is that it's acknowl-

edged that virtually anything can be done in a given time frame, as long as you're willing to pay the price. But it is our suggestion that the time frame as proposed by the New Democratic Party, is impracticable, considering the fact that as the lists come together—and I don't dispute the fact that the computers start running sooner, probably virtually two or three days after Labour Day—early returns by the enumerators are being fed into the computer. That just further, in my opinion, proves the time element that is required, because even that extra time is required because of all the processing involved.

It takes approximately 1,200 hours of computer time, much of that with duplicate and triplicate runs, to take out from the lists the duplications of the feed-in—duplications of non-residents who own more than one piece of property in a municipality other than the one in which they reside—so they will only have one vote, which is all they are entitled to. There is going through the duplications of property owners who, inadvertently or in some cases possibly consciously, have indicated school support to more than one school system, which is illegal. So again, the computer has to run through all of the lists to do this.

Although it's suggested that a lot of this might be done manually, we suggest that in fact to do it manually to come up with any kind of accurate lists would not save time at all. It would probably, in fact, be more time-consuming than the computer, which now takes several weeks to confirm.

There are other reasons why the lists must be relatively accurate and, of course, they are not recognized in any way during the provincial election process, because they are not needed. The actual school board support lists come out of this process. The juror lists also come out of this process. So cutting down the time frame, of course, again only causes more probabilities for error. In the opinion of the people who have to do the job the only way it could be done was if the municipalities would like to take over the enumeration process per se and, in effect, duplicate the work that would be done by the assessment department.

We once again went back to consult with the joint committee. We heard a resounding response through them and I think we've heard it, as have all members: The municipalities said they do not wish to in any way take back any part of, let alone all of, the enumeration process and the associated expense that goes along with it.

[The process at the moment operated by the province costs something like \$4.5 million. It is estimated that even if they were able to take that over completely—and not even talking about duplication, because of the extra costs involved such as additional staff within the municipalities, higher costs of computer time, higher costs for the other goods that have to be bought, various paper that can't be bought in the same quantities—that there would be anywhere from 30 to 50 per cent added on to those basic costs at an absolute minimum. If the whole procedure had to be duplicated, you're talking about upwards of \$6 million in additional costs, which I am quite convinced the municipalities do not wish to take on at all.

There was a reference by the hon. member for Welland-Thorold to one of the advantages related to taking office on November 1. Again, I don't see that as any great advantage or disadvantage, as a matter of fact. I think it is just a matter of practicality. You take office, as proposed of course in Bill 98, at the first of the month following the date of election. I don't see any great advantage for taking office sooner. As a matter of fact, we have had some feedback on the basis that this would actually be something negative. There has been some concern expressed by the odd municipality, directly and indirectly, that you have a council taking office in a previous council's fiscal year. They are concerned about the one month proposed.

Under the proposal by the hon. member for Welland-Thorold, in fact, this would make it two months. In the minds of those people there were concerns about the balance of the fiscal year and under this proposal it is doubled from one month to two.

There was a reference made to the former minister, the Hon. Mr. Meen, who was minister in 1972. I might just point out to the hon. member this government does recognize times and systems do change. When they do change, we acknowledge those changes and update them.

It is quite conceivable the same things will happen in the future. I don't deny that; that is quite possible and quite probable. But we don't like to go from the frying pan into the fire, which is really what the hon. member is suggesting.

As for the actual posting of lists and the extra time being suggested that lists could be posted, how long do the lists stay on the posts? Our proposal is based on feedback from municipalities and the consultative process with the joint committee. It, in fact removes and reduces the obligation for that kind of posting. Everybody recognizes first

of all, how long do the lists stay on the posts? Regardless of whether they are intended to be there five days, 10 days or 20 days, for all practical purposes they are lucky if they survive one day. As a matter of fact, who looks anyway? I think it is just a lot of hog-wash to suggest this is a big plus.

Really the icing on the cake was the suggestion the candidate must know who is on the list so when he goes around and very meticulously gets his 10 names he has to go and check to make sure they are on the list. And again, for those who have been in municipal politics—or even, I suppose, provincial politics where you are looking for 100 names—in recent history anybody who leaves it to getting exactly 10 names or exactly 100 names is a little bit short somewhere anyway. I don't think that is a very valid situation. We all know within Bill 98, once the clerk has certified the list of eligible nominators they will not be invalidated by any further changes to the eligible electors.

The hon. member talked about the court of revision period—that there could be as little as one day up to seven days. I would refer him to section 25(2) which guarantees a minimum period of five days. So, although in theory, on the calendar, what he suggests could happen there is a guarantee of a minimum period of five days.

I think, Mr. Chairman, we have covered most of the points that were covered. The big items, of course, in more specific terms are the impracticability of coming up in the time suggested with any reasonable lists. We should recognize the multi-purpose use of the various lists. They are not just eligible voters' lists. They carry much more to them. The process of making sure they are reasonably correct takes a longer time frame than is suggested.

I will acknowledge at this time it is possible that at some future point in time, maybe even three years from now, possibly one more week will be found and elections could move up to the first week of November. We will be looking at that. We would much rather propose to this House the elections next year be a little more conservative.

Mr. Breithaupt: Careful now, careful.

Mr. B. Newman: You just spoiled it.

Mr. Ashe: Small "c". We would propose that the operation be handled a little more conservatively, if that's better, to see if there are bugs that weren't anticipated. It's often fine to look at something on a piece of paper but I think everybody would acknowledge that you learn by going through a process.

Mr. Breithaupt: You are more likely to look for bugs than we are.

Mr. Ashe: If there are no great problems next year in cutting it back to the second week of November, I am quite sure we will be examining the possibility of moving it back one further week. I must say there is no possibility at all at this time, with current computer and mails—with the knowledge from the computer, with the way the mails work and what have you—of cutting down any time from the verification process. If—and I say if—we are able to find another week in the future, it would be to cut down the enumeration period to a one-week period.

Mr. Swart: There are a few comments I would like to make. I regret the parliamentary assistant, the hon. member for Durham West, dealt in generalities unfortunately, and did not deal with the specific issue which I had raised. He is absolutely wrong in stating—and I would like him to comment further on this and read the section of the bill—that it provides for a five-day minimum court of revision. On page 11, section 24(b), it says: "The clerk shall fix the places at which and the times when revision of the list will be undertaken, and such revision shall commence no later than 14 days after delivery of the list to the clerk under section 22."

Then under section 25 (3) it says: "The last day for the filing of applications for revision of the preliminary list shall be the 17th day immediately preceding polling day and such applications may be filed with the clerk during his normal office hours." The only reference made to a five-day period is in section 25 (2) which says: "The day of posting copies of the preliminary lists and of publishing the notice under subsection 1 shall be at least five days before the last day for filing applications for revision."

I suggest that if my concerns were great before they are much greater now, if the parliamentary assistant doesn't know the difference between the posting of the lists and the court of revision. I also want to say he didn't mention the very short period which exists under this Act now, only five days from the time of the posting of the lists until the final day of the court of revision. I would like to hear him comment, if he would, as to whether he thinks that is adequate. When the only notices will be the posting of the list up in the clerk's office and two other places in the municipality, how are people going to know if they are off the voters' list? The provision where you send out notice where people vote may remind them of the election

day, but it certainly doesn't have anything to do with putting people on the voters' list.

When I say that people in the field have given me their comments with regard to the feasibility of our proposals, I am talking about people who are actually working as returning officers, as clerks in municipalities and as assessment commissioners. They are not people who are sitting at Queen's Park. They are people who year by year are actually working in the field. They tell me our proposals are practical.

I regret you've thrown in red herrings or straw men or whatever you want to call them by saying that this would mean putting back to the municipality the cost of enumeration, which would be up to \$6 million. The hon. member for Durham West knows very well I made no such suggestion whatsoever. We would carry through with the enumeration process, the whole process, exactly in the time frame in which it is done now, except the enumerators would compile the lists at the end of their enumeration and put them on the pole. There would not be one day taken away from the assessment commissioner to check if there was any overlapping of names, any non-residents who now should be taken off. The time frame would be identical except the enumerators would take responsibility for taking off the lists.

[5:45]

One other comment I want to make in this regard deals with the enumeration. I've been told by people in the field there is no difficulty within this time frame. It's twice the length of time the provincial enumerators have. In addition to the date being known ahead of time so they can get the enumerators and instruct them ahead of time, the enumerators in the municipal elections are provided with a sheet for each home—and I have copies here—which lists the names of the people from the last enumeration and all the nine things which they have to fill in. The length of time taken to do that type of enumeration is little if any greater than it

is for a provincial enumeration and yet they have twice the length of time in which to do it.

I suggest it is practical and I'd like to have had, and perhaps still will have, a little more detail with regard to the item, particularly with regard to the five days minimum for the court of revision.

Mr. Ashe: Mr. Chairman, to attempt to get a vote taken on this I don't wish to comment further. As far as the hon. member's references to section 24 and 25 related to the revision and period and so on are concerned, we'll look at that again and report back to the committee. I don't think it's really too relevant to the vote we're attempting to get made.

The committee divided on Mr. Swart's amendment to section 11, which was negated on the following vote:

Ayes 21; nays 68.

On motion by Hon. Mr. Welch, the committee of the whole House reported one bill with amendment.

THIRD READING

The following bill was given third reading on motion:

Bill 99, An Act to regulate the Discounting of Income Tax Refunds.

BUSINESS OF THE HOUSE

Hon. Mr. Welch: Mr. Speaker, just before we break for dinner, may I explain to the House there was some misunderstanding in connection with a meeting tonight of the standing statutory instruments committee. Therefore that committee will in fact not be meeting tonight at 9 o'clock as published in the church bulletin so would you amend the notice paper accordingly. Perhaps we might call for the first private member's bill now and then we will be back here at 8 o'clock to have a little discussion about it.

The House recessed at 6 p.m.

CONTENTS

Tuesday, November 22, 1977

Point of personal privilege re remarks about lawyers, Mr. Nixon	2109
Agricultural Hall of Fame, statement by Mr. W. Newman	2109
Training school death, statement by Mr. Norton	2109
Auto pact, questions of B. Stephenson: Mr. S. Smith, Mr. Makarchuk, Mr. di Santo, Mr. Davidson	2109
Hydro contracts, questions of Mr. J. A. Taylor: Mr. S. Smith	2111
Nursing homes, questions of Mrs. Birch and Mr. Timbrell: Mr. Deans, Mr. Sweeney, Mr. Conway	2111
Hospital bed ratios, questions of Mr. Timbrell: Mr. Deans, Mr. Warner, Mr. Conway, Mrs. Campbell	2113
Bribery case, questions of Mr. McMurtry: Mr. di Santo	2115
Pipe production, questions of Mr. Davis: Mr. Kerrio, Mr. Swart, Mr. Yakabuski	2115
Training school death, questions of Mr. Norton: Mr. Foulds, Mr. McClellan	2117
Edwardsburgh land assembly, questions of Mr. Davis: Mr. Conway, Mr. Wildman	2118
Badgley report, questions of Mr. Timbrell: Ms. Gigantes	2119
Cow-calf program, questions of Mr. W. Newman: Mr. Wiseman	2120
Appointments to boards and commissions, questions of Mr. Davis: Mr. Roy, Mr. MacDonald	2120
Report, standing general government committee, Mr. Gaunt	2121
Special Education Programs Act, Ms. Gigantes, first reading	2121
City of Burlington Act, Mr. Reed, second and third readings	2121
Casgrain Township Lands Act, Mr. Lane, second and third readings	2122
City of Kitchener Act, Mr. Breithaupt, second and third readings	2122
City of Sarnia Act (1), Mr. Blundy, second and third readings	2122
City of Sarnia Act (2), Mr. Blundy, second and third readings	2122
Shore and Horwitz Construction Company Limited Act, Mr. Handleman, second and third readings	2122
Resolutions for supply and supplementary supply concurred in	2122
Municipal Elections Act, Mr. McKeough, second reading	2122
Income Tax Discounters Act, reported	2127
Municipal Elections Act, in committee	2134
Third reading, Bill 99	2145
Business of the House, Mr. Welch	2145
Recess	2145

SPEAKERS IN THIS ISSUE

Ashe, G. (Durham West PC)
Birch, Hon. M.; Provincial Secretary for Social Development (Scarborough East PC)
Blundy, P. (Sarnia L)
Bounsall, E. J. (Windsor-Sandwich NDP)
Breithaupt, J. R. (Kitchener L)
Campbell, M. (St. George L)
Conway, S. (Renfrew North L)
Cureatz, S. (Durham East PC)
Davidson, M. (Cambridge NDP)
Davis, Hon. W. G.; Premier (Brampton PC)
Davison, M. (Hamilton Centre NDP)
Deans, I. (Wentworth NDP)
di Santo, O. (Downsview NDP)
Edighoffer, H.; Deputy Speaker and Chairman (Perth L)
Epp, H. (Waterloo North L)
Foulds, J. F. (Port Arthur NDP)
Gigantes, E. (Carleton East NDP)
Grossman, Hon. L.; Minister of Consumer and Commercial Relations (St. Andrew-St. Patrick PC)
Haggerty, R. (Erie L)
Kerr, Hon. G. A.; Minister of the Environment (Burlington South PC)
Kerrio, V. (Niagara Falls L)
MacDonald, D. C. (York South NDP)
Makarchuk, M. (Brantford NDP)
McClellan, R. (Bellwoods NDP)
McMurtry, Hon. R.; Attorney General (Eglinton PC)
Newman, B. (Windsor-Walkerville L)
Newman, Hon. W.; Minister of Agriculture and Food (Durham-York PC)
Nixon, R. F. (Brant-Oxford-Norfolk L)
Norton, Hon. K.; Minister of Community and Social Services (Kingston and the Islands PC)
Rhodes, Hon. J. R.; Minister of Housing (Sault Ste. Marie PC)
Rotenberg, D.; Deputy Chairman (Wilson Heights PC)
Roy, A. J. (Ottawa East L)
Ruston, R. F. (Essex North L)
Samis, G. (Cornwall NDP)
Smith, S.; Leader of the Opposition (Hamilton West L)
Stephenson, Hon. B.; Minister of Labour (York Mills PC)
Stokes, Hon. J. E.; Speaker (Lake Nipigon NDP)
Swart, M. (Welland-Thorold NDP)
Sweeney, J. (Kitchener-Wilmot L)
Taylor, Hon. J. A.; Minister of Energy (Prince Edward-Lennox PC)
Timbrell, Hon. D. R.; Minister of Health (Don Mills PC)
Warner, D. (Scarborough-Ellesmere NDP)
Welch, Hon. R.; Minister of Culture and Recreation, Deputy Premier (Brock PC)
Wildman, B. (Algoma NDP)
Wiseman, D. J. (Lanark PC)
Yakabuski, P. J. (Renfrew South PC)



Ontario

No. 58

Legislature of Ontario Debates

Official Report (Hansard)
Daily Edition



First Session, 31st Parliament

Tuesday, November 22, 1977

Evening Sitting

Speaker: Honourable John E. Stokes

Clerk: Roderick Lewis, Q.C.

CONTENTS

A list of the speakers taking part in the debates in this issue of Hansard appears, in alphabetical order, at the back of this issue.

Daily contents of proceedings also appears at the back of this issue. Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff. Phone 965-2159.

Hansard subscription price is \$15.00 per session, from: Sessional Subscription Service, Printing Services Branch, Ministry of Government Services, 9th Floor, Ferguson Block, Parliament Buildings, Toronto M7A 1N3. Phone 965-2238.

Published by the Legislature of the Province of Ontario.
Editor of Debates: Peter Brannan.

LEGISLATURE OF ONTARIO

TUESDAY, NOVEMBER 22, 1977

The House resumed at 8 p.m.

PRIVATE MEMBERS' BUSINESS

ENVIRONMENTAL ASSESSMENT AMENDMENT ACT

Mr. McGuigan moved second reading of Bill 100, An Act to amend the Environmental Assessment Act, 1975.

Mr. McGuigan: I rise to propose that this House adopt the provisions of Bill 100, An Act to amend the Environmental Assessment Act, 1975.

The central item of the bill proposes that where citizens of an unincorporated community are about to be affected by an undertaking that the Minister of the Environment shall appoint one or more persons from his ministry staff to counsel the affected group, so they might have the benefit of the ministry personnel's experience and advice as to how they might prepare the defence of their position at any hearing or appeal conducted under the Environmental Assessment Act.

The undertaking could take many forms. However, the need for this type of assistance was brought to my attention by a group of residents of the village of Fletcher in the township of Tilbury East in the riding of Kent-Elgin. The final report of the county of Kent, city of Chatham, area waste management study by M. M. Dillon Limited, consulting engineers and planners, recommends that a single major landfill site be developed in the vicinity of Fletcher. The report is looking to the next 20 years and they projected 150 acres of land will be required for this period.

The landfill site is not mentioned in the bill, but I am referring to this example to illustrate the need for the legislation in Bill 100. The city of Chatham has conditionally purchased 175 acres adjacent to the village of Fletcher. The capital cost of developing the site is estimated to be \$399,000, but the real cost to the 90 residents within one kilometre of the site would be difficult to estimate. The point is that the real cost will be borne by the residents in terms of reduced property values and a reduced quality of their lives.

The report also recommends that under the

provincial resource recovery program in 10 years a resource recovery plant be built in Chatham at an estimated cost of \$4,255,000. Does it not seem the height of total disregard for village residents to recommend approximately \$400,000 capital costs to ruin their environment, and approximately \$4.25 million to save Chatham's environment? If the report were to recommend that the city-county purchase approximately 1,000 acres of land, so that the landfill would be in the centre of a large city-county buffer zone about a kilometre of buffer land in all directions from the landfill, that the city-county would bear the cost of owning the buffer zone including the cost of tree planting and landscaping, then one would have little to complain about.

I know, of course, that no community will welcome a landfill site. A larger site would not encroach on agricultural land, as the unused portion could be rented back to farmers. A thousand acres would likely cost \$2 million in Kent county, and the 950 acres for rent would likely cost the owner a difference of \$100 per acre between the interest costs and the rental returns. Over the years, capital appreciation would likely wipe out the loss when the property was disposed of when the municipalities moved from landfilling to resource recovery.

The annual loss in the ownership of the land would add about \$1.30 a ton to the cost for a total cost of \$7.44 per ton, versus an estimated cost, based on 1977 costs, of \$6.70 per ton for a recovery system. The members can see from the illustration that if the offending municipalities were to bear the true costs of their undertakings they might be persuaded to look to other alternatives.

I've used the case of the proposed Fletcher landfill site to illustrate the feeling that people have about the Environmental Assessment Act, that it is an instrument of the strong against the weak. Small groups cannot begin to raise the money necessary to secure the services of lawyers and engineers, so that their case would be properly put before the Environmental Assessment Board when hearings on the matter are called.

As a private member I cannot put forth a proposal to provide money for citizens' groups. I have taken the only alternative and

that is to propose that the Minister of the Environment shall provide one or more people from his ministry to give counsel to people who wish to protect their interests. I personally have not too much fault to find with this approach.

I believe that if local people have a strong case they will raise some money themselves and that they will use local volunteers to do local research. I know that the people of Fletcher are putting forth a good effort. I also know that they could be more effective and that they would feel less trod upon if they had the counsel of one or more qualified people to simply give them some guidance and direction.

I'm not one of those environmentalists who believes in flights of fancy back to the so-called natural environment. I believe we must have industrial development and full use of our natural resources. But we cannot run roughshod over our people to these ends.

I believe there are many examples in the long tradition of our province to support my proposal. I have had personal experience with the Workmen's Compensation Board, whereby the board provided free counsel for an appeal I made against a proposed assessment. It is my understanding it also advises employees who are presenting their case to the board.

We are not asking for money in this bill, but I would point out that under the royal commission on the northern environment, otherwise the Hartt inquiry, money is being provided for funding assistance to groups and individuals who speak for various interests. Funds are going for a wide variety of needs; legal counsel, travel, meetings, research and others. The amount allocated for this purpose is \$362,000 up to March 1978.

The royal commission on electric power planning, the Porter commission, provides funds for groups and individual participation in the commission. Money has gone for research, transportation, legal advice and other purposes. Approximately \$270,000 has been allocated by the commission for that purpose from November, 1975 to March, 1977. There is an open-door policy at the commission headquarters in Toronto, including an unofficial library lending policy of all documents, opening of all files to concerned public and lending expertise to aid researchers and the interested public. This is achieved through correspondence, meetings and other means.

Once again, we are not asking for funds, although we would not oppose such a move by the government. But we are trying in the

best way we know how to answer a crying need in our province, that is, for some help for local groups trying to defend themselves. Let me say we do have faith in the objectivity of the civil servants; we believe that they are professional and that they are very capable of rendering assistance. While the bill would require the minister to render such assistance the time spent would still be in his hands, as it properly should be.

In summary, we believe this is a worthwhile piece of legislation that would not be a cure-all but would at least indicate to the people of Ontario that the government does care about the individual and that it is prepared to act. I would reserve whatever is left for rebuttal.

Mr. Speaker: Would the clerk at the table indicate to the hon. member the amount of time he has left?

Ms. Bryden: We support the principle of ensuring that all parties making submissions to the minister regarding environmental assessment or participating in Environmental Assessment Board hearings should be on an equal footing. We do not want a David and Goliath situation, but that is what we get in most cases. We get a small group of citizens against the forces of private developers and private waste disposal firms with banks of lawyers at their command and banks of technical experts and who can charge up to their income tax expenses the costs of their submissions to the Environmental Assessment Board and to the minister.

We are definitely in favour of methods which will equalize the position of people appearing before the board or making submissions to the minister. In order to do that, we need several things. We need the hearings to be at accessible times and places for people, including evening hearings. We need the hearings to be informal and not too technical so laymen can participate. We need funding for people appearing before the board, particularly non-profit organizations, individual citizens and groups. They need funding for technical assistance for hiring consultants, for hiring legal counsel, for publication of briefs. We need the opportunity to present class actions so the interests of a great number of citizens can be brought to bear on a question of environmental assessment. It does not just affect the people in the area where a given development is located.

[8:15]

Looking at the present Environmental Assessment Act, we find that it does not fulfil most of these requirements for putting applicants and interested parties on an equal

footing. It is true the Environmental Assessment Board does attempt to have its hearings somewhat informal; it does have some evening sittings but there are still not nearly enough and also there is a great deal of technical evidence which requires legal cross-examination.

The third and fourth points that I mentioned—that is public funding and the opportunity for class actions—are lacking altogether in our legislation. We have a precedent for public funding, in the Porter commission and in the Hartt commission, and the Berger commission in the federal field, but we do not have anything in our Environmental Assessment Act to provide public funding for groups on a regular basis. We would welcome legislation which would provide that. We do not have any legislation providing for class actions, and that is an essential part of equalizing the positions.

The member for Lakeshore (Mr. Lawlor) introduced a bill in July authorizing class actions but this has not yet been debated. A year ago the Minister of the Environment, in writing to my predecessor in the Environment critic's position, Dr. Charles Godfrey, said in October, 1976 that he was considering legislation to bring in class actions. He said: "I am recommending the amendment of our environmental legislation to provide wider scope for citizen prosecution and class actions, as I have stated recently in public."

A week ago I asked the minister in the House when we were going to see this legislation. He told us that it took things a long time to get through cabinet committees and other committees, but that we might see something next session. We are still waiting, but not with bated breath. The minister has had over a year to get it through various committees and we still haven't seen it.

Looking at this particular bill I question whether it fulfils the criteria I have set forth, which we need to make environmental assessment available on an equal basis. The bill says nothing about class actions. It says nothing about public funding for non-profit groups to hire their own lawyers, researchers, or technical people. It covers only the provision of free legal and technical resources from the ministry for certain groups.

It seems to me that since the ministry is able to appear before Environmental Assessment Board hearings there could be a conflict of interest if the staff of the ministry were expected to help other groups prepare their presentations and also prepare the government's presentation.

There is also the problem of how many

staff you are going to make available to groups and how many groups are going to ask for it. Is the ministry going to have to keep a large number of people on payroll to anticipate the requests, which could be quite unpredictable as to their number and complexity?

It seems to me completely impractical to expect that kind of assistance to work. There are other shortcomings in the bill. It covers only unincorporated associations of residents of the municipality in which the development is located. There may be incorporated associations of residents which might like to appear before the board and need some assistance. In order to get federal income tax exemptions, groups are usually encouraged to incorporate as non-profit bodies. There may be such groups which would be ruled out by this bill.

There may be groups outside the municipality in which the development is being contemplated which would like to participate, because very many of these projects affect far more than one municipality. If they affect the water table, or the air, or the streams, they can affect a very large area. They can affect the transportation modes in the area, if there's going to be trucking in of garbage for a landfill site or trucking out of gravel from gravel pits. It seems to me that the legislation proposed is much too restrictive as to the groups that could be helped and that the help is really not the kind needed to bring people onto an equal footing.

I'd just like to refer to the Maple landfill and garbage disposal case. I think it's a good example of what kind of help is needed. This is an application by a gravel company and a disposal company to use some of the gravel pits for the largest landfill operation in the entire province of Ontario, perhaps in the entire North American continent. It would handle 15 million tons of garbage. Its effects would extend far beyond the area of Maple.

Mr. Speaker: The hon. member has one minute.

Ms. Bryden: It could even affect Metropolitan Toronto because all the watersheds would be affected.

Those hearings began in July 1976 and are still going on. That group has no public funding. Therefore I feel that I cannot support such an inadequate bill and I intend to bring in my own bill as a private member's bill later on.

Mr. Johnson: I'm pleased to have an opportunity to speak during the debate on Bill 100. However, I have many reservations about this

bill, many of which were expressed by the member for Beaches-Woodbine.

Mr. Foulds: It doesn't go far enough.

Mr. Johnson: This bill to amend the present Environmental Assessment Act, would make it possible for groups meeting clearly defined criteria to obtain legal and technical assistance from the Ministry of the Environment in making submissions to the Environmental Hearing Board. Protection of the environment is an issue that most of us have become sensitive to and aware of in recent years. There already exists a good deal of legislation that is designed to guard against damage to the environment, whether that damage arises through air pollution, water pollution, strip mining or other means.

A ministry exists whose role it is to enforce already existing legislation and to advise the government as to what further steps need to be taken or laws enacted. Environmental concerns can and indeed often do conflict with the need for jobs, the economic need to mine our natural resources, the need to transport goods over land and our need to provide housing. It is precisely for that reason the Ministry of the Environment was established, to assist the government in choosing between conflicting needs and to examine possible alternatives.

There is a cost attached to this protection and quite clearly this government has felt that such a cost is a necessary one. There is a social and economic cost involved in delaying housing or the creation of jobs while hearings are held to determine environmental safeguards. The hearings themselves are direct costs to the Treasury of this province, but the government has established its commitment to the environment by saying this is a process that must be followed. Having made that commitment, and having backed it with budget funds, one must then ask where a reasonable balance is struck. We do not have unlimited resources. What we have must be spent wisely.

Although I believe there is good intent behind the bill I must oppose it for several reasons.

Point one: The bill requires the minister to provide assistance from the legal and technical resources of the ministry and for this purpose may designate one or more employees of the ministry or other persons to give legal and technical assistance. However, staff of the ministry are required to prepare a review of an environmental assessment, section 7 (1), and in doing so to co-ordinate the responses of other ministries. This review is designed to be objective but the same staff

might also be required under this bill to give technical assistance to an association, which may be opposed to or in favour of the undertaking. The objectivity of the staff in supporting the ministry's review and, at the same time, the ability of the staff to provide assistance to different associations, would necessarily be prejudiced.

Point two: The effect of the bill is discriminatory. There is no similar provision for legal and technical assistance for associations which appear before the Ontario Municipal Board or other boards or commissions. There is no reason why associations appearing before the Environmental Assessment Board or submitting views on an environmental assessment should be given government assistance, if such assistance is not to be provided for associations appearing before other government boards.

Point three: There are no criteria in the bill for the associations entitled to assistance. Criteria are important so the available resources can be provided in the fairest possible way to ensure effective public participation. This is illustrated by the criteria in the terms of reference for the royal commission on the northern environment. The criteria for the royal commission require that those seeking assistance establish that they do not have sufficient financial resources to enable them to represent their interests adequately, and will require financial assistance to do so.

Bill 100 would require the minister to provide assistance regardless of whether an association has adequate legal, technical or financial resources of its own, thus possibly wasting public funds.

Point four: Because of poor drafting, it is not clear whether the assistance that must be given under subsections 2a and 16a is limited to the legal and technical resources of the ministry—example, staff and documents—or whether financial assistance for the employment of outside help is also required. These subsections do not expressly require any financial assistance but they do authorize the minister to designate outside persons to give legal and technical assistance without cost to the association. Thus, the implication is that the minister would be required, upon such a designation, to pay for such outside assistance.

Point five: The bill does not contain any limit to the legal and technical resources of the ministry, or any restriction on financial assistance by the ministry, which must be provided. However, the legal and technical resources of the ministry relative to any particular undertaking subject to that are quite limited. The ministry's legal and technical

staff must support the administration of all the ministry's legislation and, in particular, the ministry's programs and assessment board's work relative to all undertakings in Ontario which are subject to that. Legislation to provide government assistance, whether it be technical or financial or both for associations making submissions or participating in proceedings of the board must reflect the limited nature of the ministry's resources and contain limits or restrictions on such assistance in order to avoid bringing to a halt the operations of the ministry with respect to the Act.

[8:30]

I might mention in conclusion I requested the opinion of an executive member of the Municipal Engineers Association. This association held a convention in Toronto this past week. I would like to read a few of the comments made by him. I quote, "I very much appreciate receiving Bill Pr100. To say the least, I am appalled to think what effect such legislation could have on future municipal undertakings. I might add that all of the municipal engineers that I have spoken to during the past two or three days are dismayed at such proposed legislation."

In summary, the end is commendable, the means of Bill Pr100 are questionable. I cannot support this bill and must vote against it.

Mr. McKessock: Mr. Speaker, I rise to speak on Bill Pr100, An Act to amend the Environmental Assessment Act, 1975, and to support it.

This bill does exactly what the Bayshore Conservation Committee, a group formed in Sydenham township in my riding to oppose the proposed landfill dump there proposed by the city of Owen Sound, has been asking for. It gives them something set up, where a group can go to get specific information and assistance, procedural and legal, giving them direction as to how to object and present their case against the proposed landfill site in the area. They have also asked for money, but in a private member's bill we cannot ask for money.

I know the Minister of the Environment (Mr. Kerr) is continually saying we must find an alternative to landfill so I feel he will have no hesitation in supporting this bill. If the government would come up with a land-use policy that would protect the five per cent good farmland we have, our problems would be greatly relieved.

Mr. Makarchuk: Do you support it?

Mr. McKessock: It is now costing municipalities thousands of dollars to object and

try to keep garbage dumps out of their communities. In the Owen Sound case alone, over \$50,000 already has been spent on environmental hearings and they're not nearly finished. After the environmental hearings come the OMB hearings and on it goes.

The Bayshore Conservation Committee had to bring in Charlie Farquharson last Saturday night to help them raise a few more thousand dollars to pay their lawyers to keep on fighting.

Mr. Haggerty: Leave it to Charlie.

Mr. McKessock: We feel the alternative is incineration. This would cut landfill by 85 per cent and would put the ash in a non-polluting, burying form.

There are companies who manufacture and install incinerators in various sizes to meet the needs of various sizes of municipalities. They can be placed anywhere near the source and save on transportation. They're non-polluting and can be set up within a town.

For small municipalities, where sorting and recycling is not practical, incineration should be encouraged by the government. The way for the government to do it would be to support this bill and give the groups within the municipalities who have taken the initiative to stand up for the change that is needed the necessary help and direction. Then the government should give 50 per cent funding to the municipalities for incineration, the same way they do for resource recovery systems.

I think we should look at it this way. Incineration is in for small municipalities. If we salvage something from it, this is an added benefit but not a necessity. Extra benefits are heat reclamation, and reclamation of paper, iron, glass, et cetera. We should take the step to incineration first and this would cut off 85 per cent of the land now being needed for landfill. It would cut out the water and well pollution from landfill and the litter connected with landfill.

If the landing on the moon was a giant step for mankind, the passing of this bill will be another step of great magnitude.

Mr. Laughren: Good heavens. That's called hyperbole.

Mr. Foulds: It is a slight tiptoe forward.

Mr. McKessock: Mr. Speaker, I want to thank you for the opportunity of speaking on this bill and in support of help for the people in the small communities.

Mr. Speaker: The hon. member for Scarborough-Ellesmere.

Mr. Warner: Thank you, Mr. Speaker.

Hon. Mr. Drea: Now, look, restrain yourself, will you?

Mr. Warner: I was going to talk about the Don Jail.

Hon. Mr. Drea: No, we just passed that one. Will you restrain yourself, please?

Mr. Warner: I will definitely restrain myself.

Mr. Speaker, I appreciate the opportunity to take part in this private members' period. One of the things that concerned me in the past, and certainly last week, was that there seemed to be a little more of block voting on issues rather than the individual member voting in the way he or she was guided by his or her conscience, which I think is more important.

The government member who spoke earlier surely hasn't overlooked the serious problems that are related to the Environmental Assessment Act, particularly as we know the difficulties with Reed and Dow Chemical, just to cite two. Reed Paper obviously had a field day. Nobody saw fit to even slap them on the wrist over it. Dow Chemical, of course, despite the comments of the Attorney General (Mr. McMurtry) last night, seems to be a lost and forgotten case. He claims to be resurrecting the Dow Chemical action and says we are actually going to see some justice over that.

What's inherent in all of that, however, is some weakness lying in a couple of areas. One area is information or, rather, government secrecy. There are many documents which are necessary and are needed, but we don't see them; they are claimed to be confidential. On many occasions it has been very difficult to launch class action; in particular, I think of the problem with the smelter in the city of Toronto where we found that the smelter was polluting the neighbourhood. We couldn't have a class action on that. It was impossible under the present Environmental Assessment Act to have the people who are affected band together and have a class action against the offenders. That's missing here, and it's something that should be in this bill; it's unfortunate that it's not there.

I certainly like the aspect that has been raised by the mover of the bill, the member for Kent-Elgin, that we should have some involvement of technical and legal advice. As the member for Scarborough Centre (Mr. Drea) knows, the government no doubt is going to have some petitions saying that the Don Jail should be saved. There is going to be a group of folks who are going to come

around and say that be done. And as much as you and I say they are wrong—

Hon. Mr. Drea: I have no room for nut stuff—they're wrong.

Mr. Makarchuk: Give them a week inside.

Mr. Warner: But they surely have the democratic right in this province to have some assistance in presenting their case.

Hon. Mr. Drea: Are you honestly asking me to give money to a bunch of loonies to try to save the Don Jail?

Mr. Warner: No one would ever say that you should hand out money to loonies, whether they are in your caucus or not. What I am saying—and the member for Scarborough Centre knows full well my position on this—is that place should be levelled, and the sooner the better. And if he would be so kind as to invite me on New Year's Eve, I would be there with one of those sledge-hammers.

Hon. Mr. Drea: It's at 3 p.m.

Mr. Warner: In the afternoon of December 31?

Hon. Mr. Drea: That's right. You can take a smash at it.

Mr. Warner: I would be very pleased to be there to assist the minister in levelling that place, which holds nothing but grim memories for this city—

Hon. Mr. Drea: That's right.

Mr. Warner: —but what I say is there will be some people—

Mr. Haggerty: That isn't what your leader said here a year ago.

Mr. Warner: —who perhaps, under the Environmental Assessment Act, will ask for assistance in presenting the case that that place should be retained as an historical item.

Mr. Haggerty: Where does this come in as the principle of the bill?

Mr. Warner: The Environmental Assessment Act allows for them to use that as a vehicle and they may come to the minister and ask for assistance. They should be allowed that assistance, in my view, because it's a democratic right and principle. But in fact, the kind of assistance they require, the information and the opportunity for class action, is not provided for in this bill. I find that unfortunate.

We may also have a group of people coming before us about the Grand Prix auto race, which again can come under the Environmental Assessment Act. They also are looking for information which the government has claimed to be classified—everything

is classified, including what the government members have for dinner, I suppose.

Mr. Makarchuk: That could stand an environmental assessment.

Mr. Warner: But they are going to come and ask for that information, and they would like it. Maybe that should be classified.

Mr. Makarchuk: The dining room.

Mr. Warner: And they will want a class action on behalf of the residents of the Parkdale area who don't want these race tracks running through the middle of their community. I agree with them. They shouldn't have. Labatt's are in it to make money, sell beer and have a good time. And it's fine for Labatt's, but it isn't for the people of South Parkdale.

But the folks in South Parkdale are going to come and say, "Under the Environmental Assessment Act we would like the information. We would like the opportunity to have some class action against Labatt's and we need some legal and technical advice." What we have from Mr. McGuigan, who is the member for—

Mr. Haggerty: You don't know what the bill is about.

Mr. Warner: Oh, yes, I've read it very thoroughly.

Mr. Haggerty: I don't think you understand that, either.

Mr. Warner: I understand the Environmental Assessment Act, 1975. I may not understand you, but I understand the Act. The member for Kent-Elgin brings forward a fairly decent half-measure. But since it's always been my policy as a member of this Legislature and prior to that a member of the community, to support only whole measures, I cannot support this bill. What we need in this province before we tackle any of these environmental problems as related to Reed, or Dow Chemical, or the Grand Prix auto race or any of those other problems, is some information.

What we need is a Freedom of Information Act. That's what we need. Until we get that, there is no point in discussing this bill or anything else even similar, because that's the starting point. Let's get the information, let's take a look at it, let's understand with what situation we are faced before we try to improve the Environmental Assessment Act.

We move from there to guaranteeing that class action is a possibility and that it will, in fact, be embodied in law when we have problems, so a group of residents can band together to go after a smelter that's in the

middle of the community and poisoning their community, as Toronto Metals was. So the people in South Parkdale can band together in a class action against Labatt's and make sure there aren't cars racing through their neighbourhood.

We don't have that, and we need it. This bill doesn't provide that and that's the essence, that's a very important portion. The member for Kent-Elgin certainly had very high motives in bringing forward the bill and I commend him for it. He obviously is very concerned about a very serious problem.

Mr. Riddell: Why don't you support it, then?

Mr. Warner: What I am sad about is he has only gone half-way.

Mr. Riddell: Half a loaf is better than none.

Mr. Speaker: The hon. member has one minute.

Mr. Warner: That's your whole policy over there—half a loaf is better than none—and you always settle for the half that's no good, anyway.

Mr. Riddell: You can't bring in a private bill that is going to spend money.

Mr. Warner: That's the Liberal philosophy.

Mr. Martel: Why do it in halves when you can do it in quarters?

Mr. Warner: The member for Huron-Middlesex who has wandered in from dinner—

Mr. Riddell: No, no, I was here.

Mr. Makarchuk: At 8:45.

Mr. Warner: In conclusion, I am certainly glad to see the good attendance from the government, who are responding to Jonathan Manthorpe's column. That's heartening to know.

[8:45]

Mr. Speaker: That has nothing to do with the principle of this bill.

Mr. Warner: No, but they have nothing to do with legislation half the time either. It's with some reluctance I announce as the member for Scarborough-Ellesmere that I cannot support this bill. What I am hopeful of is that either the member for Kent-Elgin or some other member of this Legislature will bring forward the appropriate—

Mr. Speaker: The hon. member's time has expired.

Mr. Warner: —legislation that's needed on freedom of information, class action and the kind of public funding and legal and technical advice that are needed in amending the Environmental Assessment Act.

Mr. Williams: Mr. Speaker, I find Bill 100 to be an interesting concept.

Mr. Laughren: Time.

Mr. Makarchuk: Dispense.

Mr. Williams: But one must question as to how practical or reasonable such a provision would be in the Environmental Assessment Act. In order really to get a clear perspective on this proposed legislation, one has to relate it to the full context of the existing legislation.

It's quite clear that the present legislation is extremely comprehensive in nature. Not only does it provide that governmental bodies, the public sector, can be open to and subject to environmental assessment, but as well the private sector in any major undertaking can be called to question.

Mr. Speaker, could I have the courtesy from the member for Scarborough-Ellesmere to cease and desist from the conference in the corner?

Mr. Martel: What about the minister? Would you name the minister?

Mr. Deputy Speaker: Order, please. The member for Oriole has the floor.

Mr. Williams: Thank you, Mr. Speaker.

Mr. Laughren: Don't be so petty.

Mr. Williams: I think it's important to remind the members of the Legislature—

Mr. Martel: Where did you pick him out of? He's a reason for retroactive birth control.

Hon. Mr. Drea: That's below the belt.

Mr. Williams—and the proponent of the bill that if we consider section 5 of the Act we can well see that environmental assessment provides for a very broad area of consideration. There are four major areas.

First, a description for the purpose of the undertaking must be presented by the proponent under an environmental assessment.

Second, that party must provide a description and a full statement of the rationale for the undertaking as well as alternative methods of carrying out the undertaking and, indeed, the proponent must be able to suggest alternatives to that very undertaking itself.

A third major component of an environmental assessment is that the proponent must provide a description of the environment that will be affected or will likely be affected. It must make reference to the effects that will be caused or that might be caused or reasonably be expected to be caused to the environment. The environmental assessment must as well consist of the actions necessary or that may reasonably be expected to be

necessary to prevent change, and to mitigate or remedy the effects upon or the effects that might reasonably be expected upon the environment.

Fourth, the assessment must provide an evaluation of the advantages and disadvantages of the undertaking to the environment.

These are very substantive requirements at the very outset of a matter that comes under the Environmental Assessment Act. From there flow the controls and powers under the minister whereby he can stop all proceedings until this matter has been satisfied to his satisfaction, namely, that the environmental assessment has been undertaken and filed and the review proceeded with.

That brings us to section 7 of the Act which is totally comprehensive as far as the involvement of not only government, the ministry and the proponent of the undertaking, but also the public at large.

It is quite clear in section 7 preceding the proposed amendment section that there is more than ample opportunity provided to any interested person or persons to become involved in and make representations with regard to any undertaking as defined under the legislation.

Mr. Van Horne: To what end: To get slapped down? Hogwash!

Mr. Williams: Accordingly, it could be said—and I can say this without fear of contradiction—

Mr. Warner: Without fear of intelligence.

Mr. Van Horne: Without fear of blushing.

Mr. Williams:—in the Environmental Assessment Act we have one of the most comprehensive pieces of environmental legislation to be found anywhere. One of the major features of that legislation is the extensive involvement provided to the public at large, whether it be individual participation or group participation.

Mr. Haggerty: What happened in the government?

Mr. Williams: I would point out that throughout the whole of the Act from section 7 onward, as the members of the House will well recall, this being such a relatively new piece of legislation, there is ample provision every step of the way, up to and including hearings before the Environmental Assessment Board, for public participation.

Mr. Warner: It doesn't work very well.

Mr. Williams: Any group or individual can ask for a hearing and can ask the Environmental Assessment Board to hold a hearing.

Mr. Warner: Explain that one.

Mr. Van Horne: To what end?

Mr. Williams: I point this out to both the proponent of the bill and speakers from the New Democratic Party who have suggested there is not sufficient information made available, to the public.

Mr. Warner: It is called secrecy.

Mr. Williams: They should simply refer to section 32, subclause 2 of the Act which clearly provides the minister must provide any documentation or information relevant to an environmental assessment hearing.

Mr. Warner: Try to get that information. Nonsense!

Mr. Davidson: Do you really think that happens?

Mr. Williams: It is interesting that the outspoken member for Scarborough-Ellesmere has such a short memory, not to recall the Act itself does indeed provide for class action—

Mr. Warner: Stop referring to shortness.

Mr. Williams: —although he suggested on three occasions this evening that no such things existed in the bill.

Mr. Warner: You malign short people.

Mr. Williams: There appears to be no justification for providing additional provisos or conditions in the legislation which already is more than comprehensive enough to meet the needs of a concerned public in dealing with environmental matters.

Mr. Warner: Did the Treasurer (Mr. McKeough) write that?

Mr. Williams: I might point out, in commenting on the remarks made by my colleague as to the lack of criteria in this bill, that not only is there no lack of criteria, but the use of words “an unincorporated association representing residents of a municipality” seemed to run counter to situations that have developed before other governmental agencies such as the Ontario Municipal Board. Rulings have been made by that board suggesting that in order for a group of people to come before the board, they should in fact be an incorporated association so they have a clearer identity for purposes of dealing with and making representations to the board, so they could, in turn, be clearly identified as to who they represent, whether they are being truly representative of residents in a municipality, or are representing perhaps less than a handful or maybe only one or two individuals, and therefore not being truly representative at all of the people in the community.

Mr. Warner: Name names.

Mr. Davidson: Individuals don't have the right to object.

Mr. Williams: The Ontario Municipal Board did point out in recent times it was appropriate and necessary such associations should be incorporated.

Mr. Deputy Speaker: The hon. member has one minute left.

Mr. Warner: What a short memory.

Mr. Williams: If it was found their actions in opposition were, in fact, specious and frivolous, the cost could be held against them.

Mr. Warner: Sounds like a description of your work.

Mr. Williams: The remaining salient point is that it is obvious that to have the Crown employees acting also for those who would be opposing proceedings of the Crown is equivalent in a criminal matter to having the Crown attorney in turn act as well as the defence lawyer in the case. It just doesn't make sense. That is basically what we have before us this evening, a proposal that the employees of the government will wear two hats. This would create an intolerable impasse and would compromise the employees, which would not be acceptable.

For these reasons I find that I would have to oppose the bill before us this evening as not having a realistic approach to providing improvements to an already well-documented and effective Environmental Assessment Act.

Mr. G. I. Miller: Mr. Speaker, the purpose of this bill is to provide for legal and technical assistance to certain citizen groups in the preparation of written submissions and participation in proceedings before the Environmental Assessment Board. In my area there has been a need for this type of assistance, because we have had two occasions where citizen groups have been brought together for the purpose of protecting the environment.

A Cambrian well was slated to be put in my riding of Haldimand-Norfolk and concerned organizations and citizens, such as Bill Topp, spent considerable time and money looking for direction in order to get information on how it was going to affect the environment. Nothing seemed to be available. Consequently they had to hire their own legal services to oppose this proposed installation. Again, it was brought to my attention in the Nanticoke waste disposal, which was another hearing being held in the riding. Here, again, there had to be a citizen group to initiate it. I believe it is going to cost them

something like \$6,000 to obtain technical knowledge and legal services. They have asked the various levels of governments for assistance but so far they haven't been able to come up with any.

An editorial in the *Globe and Mail* of October 26 declared that if there is any ministry in the Ontario government which should function on an open basis, which should level with the people, it is the Environment ministry. The ministry is not an old one. It was created in 1971 because of long public concern about pollution—concern which has become sharply tinged with cynicism, because the public had simply ceased to believe that the government would do anything about pollution.

It is a new ministry. It is a serious problem. The Environmental Assessment Act was only established in 1975. I would hope the ministry could accept constructive criticism to provide a better service for the people of Ontario. A headline in *Farm and Country* on Tuesday, October 25, referring to hearings, slams waste and cites secrecy. This seems to be the policy of this government to try to keep as much information away from the people and I think this bill would help to alleviate that.

I think it is a step in the right direction and I would hope that the government would give it some consideration. If they do not accept it, it will certainly focus attention on the need of assistance for the concerned citizen groups, who are the backbone of our province and the people we should be listening to.

[9:00]

Mr. Deputy Speaker: I'll recognize the member for Carleton East and advise her that she has until 9:05 p.m.

Ms. Gigantes: I'm not going to support this bill, but when I listen to the member for Oriole attack it, though I'm not a mean-minded person, it's enough to make me wish some Minister of the Environment would allow a secret licence for the burning of PCBs in Oriole. Then we'd see how he'd like to have his citizen groups go undefended when it costs \$500 a day for decent lawyers in these kinds of hearings.

I'd like to point out that, while the member for Grey mentioned the heroics of Charlie Farquharson on behalf of the environmental group in his area, Charlie Farquharson is not the only hero in Ontario in terms of helping out environmental groups. And they do need help; there's no doubt about that. If this environmental assessment law is worth anything at all, which one tends to doubt

after watching the government allow an exemption for a project of the nature of Darlington, then it has to make provision for the funding of community groups for a decent representation before the Environmental Assessment Board.

Charlie Farquharson is not our only provincial hero. I'd like to point out on behalf of my caucus and with great personal pride in my friendship with this gentleman, that in 1976 the Federation of Ontario Naturalists gave the award of Man of the Year of 1976 to the member for Brantford, my colleague here in this caucus. I'd like you to know, Mr. Speaker, the member for Brantford is not the hero to whom I refer. He has been named a hero by another very well established environmental support group. The hero is a person to whom the member for Brantford gives tribute in the case that they fought together concerning Elora Gorge and whether that project should proceed. The hero in this case was a Mr. Eddie Goodman, well known to members of this Legislature and I'm sure to the member for Oriole too.

Mr. Makarchuk: A very odd couple.

Ms. Gigantes: Mr. Eddie Goodman is not a gentleman who generally does things for free, as we know in this province.

Mr. Van Horne: Or at least reasonably.

Ms. Gigantes: Usually there's a price attached to what Mr. Eddie Goodman does for one. But in this case Mr. Eddie Goodman provided help which would have cost about \$500 a day, maybe \$1,000 a day. It might have amounted during the course of the hearing to a gross cost of \$10,000 for my colleague from Brantford and his environmental associates to go through the hearing they fought, which I think was a worthy effort, and so did the Federation of Ontario Naturalists.

Mr. Eddie Goodman donated his time, his experience and his skills to help fight that case. They lost it nevertheless and were assessed costs of \$18,000. I'm going to assure you, Mr. Speaker, there are very few citizens in Ontario who can afford to take on a case—

Hon. Mr. Drea: If she abuses my friend one more time, she is in trouble.

Ms. Gigantes: —where a lawyer might cost \$10,000. You can't get Eddie Goodman all the time for free.

Mr. Haggerty: It sounds like she is going to support the bill.

Ms. Gigantes: There are very few citizens in this province who have the courage and perhaps the foolhardiness of people like my friend, the member for Brantford, and the

passion—to take an action of this kind and run the risk of running into debts of \$18,000, to say nothing of what the legal fees might have been.

The bill before us is a bill which suggests a kind of public defender on behalf of citizen groups which wish to launch an appeal under the Environmental Assessment Act. The member for Wellington-Dufferin-Peel has made it very clear that the government doesn't want to see its professionals work for groups of citizens. He's also made it very clear, and I believe this to be true too—

Mr. Deputy Speaker: The hon. member has 30 seconds.

Ms. Gigantes: —that the professional engineers don't like the expectation that they would be in government employ, and have to work on behalf of citizen groups. It's just not a feasible idea. If we're going to provide resources for citizen groups that want to make appeals under the Environmental Assessment Act, we have to provide adequate funding. It obviously can't be done through a private bill.

If the Environmental Assessment Act is ever to be made a worthwhile piece of legislation by this government it has to be amended. It has to be used properly to start with, then it has to be amended to provide adequate funding for citizen groups.

Mr. Van Horne: That will be when hell freezes over.

Mr. McGuigan: I would like to thank the speakers on the left for their somewhat grudging support. I really didn't quite see this amendment, as my friend from Grey said, as a giant step. I really saw it as probably a small step that might lead to some of the questions that have been raised, providing funding and providing means of class action and so on. As a private member, limited as we are to measures that will not spend money, I thought this was a reasonable step to try to open up the Environmental Assessment Act so that it would be perceived by small groups as perhaps being more their champion than they presently perceive it.

I can agree with the member for Wellington-Dufferin-Peel that it's a pretty good Act in many respects. There's a good deal of provision there for public participation and for protection of the public, but in too many cases the public sees the ministry people as its opponents rather than as its helpers. I'm surprised to hear the member raise the question of whether they're objective or not, because I listened to quite a lecture by one

of the engineers in the ministry, who lectured me and others on that very subject. He told us how professional they were, how devoted they were to the truth, how objective they were and that no one should question their objectivity. I'm rather surprised to see that members opposite would question their objectivity, when we think of the wonderful civil servants we have in this province—many of them paid salaries in excess of the ministers.

Mr. Van Horne: Considerably in excess.

Mr. B. Newman: Doesn't that make them wonderful?

Mr. McGuigan: I have a good deal of faith in them. My meetings with them so far have impressed me. When we have engineers and so on in lesser positions, who are paid considerably more than back-benchers are, we must attribute some good qualities to these people. So I'm rather surprised to see the government take the view that they could not be objective and could not do the things that we have asked for.

It would seem rather anti-climactic to spend much more time speaking on this subject; it would rather appear that it does not have support. For that, I'm sorry for the shortcomings that you see in the bill. I hope, however, that perhaps it does lead to some thought in this matter and perhaps highlight the need for changes that should be made in the future.

Mr. Deputy Speaker: That concludes the time allotted for ballot item 11. The matter will be deferred until further discussion at 10:20 p.m.

EMPLOYMENT STANDARDS AMENDMENT ACT

Mr. Mackenzie moved second reading of Bill 106, An Act to amend the Employment Standards Act, 1974.

Mr. Mackenzie: Mr. Speaker, I think most members of the House are aware that the hours of work have been a long fight in this province and, indeed, around the world. I think establishing standards or maximum hours of work is probably more important today than ever before for a number of reasons that I hope to go into briefly. I do urge the parties seriously to consider supporting this, which is just a step and probably only part of a package that's really needed.

I would remind some of the members in the House that back in—I didn't dig up the exact date—either the late 1860s or early 1870s, we had workers here in the city of Toronto demonstrating to try to obtain a

nine-hour day at that period of time. One George Brown, editor of the *Globe* and a leading Liberal of that day, not only took it upon himself to break that demonstration but to arrest the workers and do what he could to be assured that they did not achieve a nine-hour day.

Mr. Martel: Nothing's changed. It's typical of them.

Mr. O'Neil: That's why you should be here.

Mr. Martel: Nothing's changed with the Grits.

Mr. Mackenzie: There was also a politician by the name of Sir John A. Macdonald in that period of our history who was politically astute enough to realize that this was a good issue, and a just issue, I think. He took the side of the demonstrators in the city of Toronto at that time. I might say that he reaped the political rewards.

However, to give due tribute to my colleagues on my right, I'd like to point out that the federal government has now moved to an eight-hour day, 40-hour week, with overtime of time and a half after 40 hours. They may have seen the error of their earlier days, and that's now federal legislation. It's possible that the foresight of the Tories back in the 1870s at least had been caught up to, if not surpassed, by the Liberals of today—federally at least. I'm not sure yet; we may find out what the provincial Liberals will do with this.

As I said in the beginning, there are many and compelling reasons for supporting this legislation as a step in the province at this particular time, but a little bit of history is very interesting. I didn't have a lot of time, being out of town the last few days, but when I started to look it up tonight there were two or three paragraphs that caught my eye.

It's interesting that, other than those people who just had to scramble every minute of the day to survive—and I suppose we could go right back to the beginning of civilization on that story—the idea that there is no substitute for hard work may be more recent than some of us realize.

I note that Aristotle's notion of the purpose of work was that it was unimportant except that it enabled a man to achieve leisure in which to recreate himself, restore his serenity and enrich his mind and soul. Throughout most of civilization, leisure was also upheld as beneficial. I found it interesting, when checking it out, that in fourth-century Rome, for instance, the citizens set aside 175 days a year for leisure.

Mr. Haggerty: The good old days.

Mr. Mackenzie: In 13th-century France, a skilled craftsman laboured for only 194 days in a year and spent the rest of his time in vigorous relish of the fairs and festivals that took place in that particular time.

Mr. Laughren: It sounds terrific.
[9:15]

Mr. Mackenzie: I also found, and it really didn't surprise me, the change, the Calvinistic doctrines, if one likes, of hard work, of long hours, seemed to come about with the birth of the industrial revolution, when we had to put people to work in the sweat shops, when we had to produce. When we think back to the days of child labour, we will realize the beginning of our industrial revolution was also the time we started working people every minute and every hour we possibly could. The motive more clearly defined then than in any time in our history, was the profit motive, the capitalist profit motive.

I am not sure we have left that. It was probably in the 1840s that change started, that people began to think seriously about what our priorities were, what we should be doing, what rights to leisure men and women had in the work place. In the States, the campaign to change some of these long hours and the difficult times that people had, the number of hours they had to put in to make a living started about 1840 to 1850. We also started, of course, developing some of our industrial technology at that time and found while we were still using people extensively, machinery beginning to develop was able to do more and more of the work and produce more and more, technology was really growing.

It probably wouldn't be too hard to find the figures today, but I was interested also in noting by 1960 in Canada, only 43 per cent of our work force was engaged in producing tangible goods, agricultural products, useful products, industrial products, products we might sell in world markets, you name it. That's probably considerably smaller today, but we had gone down to 43 per cent. The rest of them were involved in various service trades.

We have to look more and more today at the value of the human being. We have to look at some of the problems related to the hours worked by some of our people in the plants today. We have to take a look at questions being faced, for example, in an automobile assembly line and the question of boredom, regardless of those who say it does or those who say it doesn't exist.

If one has worked on an assembly line or a

production line at all, and some of us have, he or she will realize it's not the most satisfying job in the world. We have to look at the tensions that build up in a modern society. We have to take a look at whether or not the work we are doing is rewarding and invigorating and whether there are other, more enriching, activities we can put ourselves to in our off-time or in time made available to us.

I really hope what we are starting to look at is a sort of coming of age in terms of dealing with people and the hours they have to work. But at the same time, we have to take a serious look at what's necessary in this day of plenty to keep body and soul together. All of us should be pretty concerned about that.

I guess in setting the argument I want to make with you just briefly, I would remind my Liberal and Tory friends in this House when we take a look at our economic problems today, if members in this caucus raise questions of government ownership or even government partnership in our industry usually related to some effort to spread the work around to take care of people, or we take a look at equity or argue equity even in industry today, we are accused almost without exception of once again, no matter how we put it or what we are really looking at, of advocating nationalization and it positively scares the members of both the other parties. They, I guess, believe in and march to the tune of private enterprise.

So be it. I have no objection to that at all. I believe in their right to take that approach but I want them to take a serious look at the results today. Take a look at this shrinking number of people producing useful or tangible goods and services. Take a look at the unemployment and the problems with automation we really have become aware of in the last few years and that are growing with us.

Most of you probably aren't aware in the steel industry—basic steel, in this province today—we could produce what we are producing now with less than half the current work force. I had two examples in the trip over the last two days to Sudbury that really took me back.

This morning we were going through the copper refinery at Inco. In one of the most labour-intensive departments, employing 250 workers, we were told by one of the top management people that the production of that refinery, which is about two per cent of the world supply of nickel and was being done by 250 employees, producing the most pure copper products in the world, would be done by no more than 20 in one of the new mills that have just been completed in Japan.

The new mills they are competing with, the Japanese, have a high capital cost that they have to relate to. We are fortunate in that we have paid for the mill, but we are paying the labour cost. It is putting 250 people to work, where it could be done with 20.

We took another look at a strip mill where they will be running strip to make coinage, part of their pride in the Inco operation. We found a plant that was not yet completed and was already costing in excess of \$24 million, was going to operate on a total work force of 35 men when completed. The cost will probably be—who knows—about \$30 million when they finish.

These are just some of the things we have to take a serious look at. I guess in one small way that's part of this particular bill.

I always wonder why we don't take the initiative more quickly in ways that don't necessarily upset the private enterprise approach of the government or of my friends on the right. We are going to have to look at some of their answers, and one of them may be the hours of work in our society. Certainly, if we can produce the goods, as the evidence over the last 20 to 30 years and more shows, with fewer and fewer people, and if that means a growth in service areas—and it's usually the tax dollars that finance those—then we are going to have to take a serious look at how we keep this growing number of people working.

I wonder why the moves to try to assist so far are usually not coming through any initiative of government, but coming at present from the unions. We have this in steel. It is a very small move, but some members are aware of the extended vacation plan in the can industry and some of their plants. I wish they were putting more time and effort into it. But it is a recognition of the need for some leisure time and, in a small way, to stretch out the work force.

We have the example of the automobile workers. I don't know whether the members are aware of it or not, but if they are able to achieve in Canada the same contracts they have achieved in the US at General Motors—General Motors alone—they tell me that the extra days off they are working on, the personal birthdays and the additional 11 to 12 days, the extended time that they are working on, will mean about 800 more employees in their plants.

Part of it is just good business. Not only does it help us if it puts that many more people to work, but it may also be one measure of removing some of the boredom from

the assembly-line jobs. But there is a potential of 800 jobs there.

We have the recent IBEW contract here, settling a strike in Toronto. Whatever else one might say, I at least give them credit for moving in an effort to cut down the number of overtime hours they would work in a bid to extend their work force to provide more jobs for their people.

I think it is time the government of Ontario, and the political parties in this House, follow the suggestion that has been made for a long time by the labour movement, in a brief from the OFL, that we take a look at the 40-hour week and overtime after 40 hours. It is time that we moved as some other provinces already have. Once again Ontario is not leading the way.

I mentioned that the federal Liberal government now operates on an eight-hour day, 40-hour week, with time and a half after 40. Manitoba has eight and 40 and time and three-quarters after 40. Saskatchewan has eight and 40, and time and a half after 40. Yukon is eight and 40 and time and a half after a 40-hour week.

So there have been provinces that have moved this way. The limited amount of research I was able to do, did not give me any accurate figures on what might be involved in terms of extra employment. But we did get a bit of information that at least makes me hopeful. We found that in Ontario in 1977 Statistics Canada showed there were 419,000 paid non-agricultural workers who worked between 41 and 50 hours a week—this was a survey done by Statistics Canada—and there were 352,000 who worked more than 50 hours a week.

Assuming that the 41- to 50-hour group works an average of 45 hours per week, and the over-50 hour group works an average of 50 hours per week, if 10 per cent of the over-40-hour-per-week jobs were cut back to 40 hours as a result of a cut in the standard work week and the hours of work eliminated by the change were distributed—I know this wouldn't happen in every case—but were distributed to new employees working the standard number of hours, then this alone would create about 15,000 jobs in the province of Ontario.

Hon. Mr. Drea: In road paving? Come on. You know there is a 56-hour week there; your union signed the agreement.

Mr. Mackenzie: Nobody is saying you can give an absolute answer on this; I understand that, but the very fact that this kind of a move could mean 800 jobs in the General Motors plans, say, is an indication.

In the situation we have now, as I think all of the members of this House are aware, it's usually cheaper for a company to work the overtime—and in terms of the current legislation it's 48 hours, even though the average hours worked are 40. But when they have to go into the extra hours—and this is one of the reasons it's cheaper—they can take 48 hours times the entire complement of that plant before they have to start applying for a permit for overtime. That means that in a big plant, like one of the automobile or steel plants, they work one hell of a lot of hours before they even go for the permit to get the extra hours per employee. Certainly the potential is there for additional work in the work place of the province of Ontario.

While this is one small move, and only part of a necessary total package, it's something that is long overdue. I hope the attitude of members of this House is that it's an idea whose time has come, and I would ask the members of all parties to support this legislation.

Mr. Maeck: Mr. Speaker, I rise to speak on Bill 106 and particularly as to how it may affect the tourist industry in the province of Ontario. As you are well aware, the major industry in the riding of Parry Sound is the tourist industry—

Mr. McClellan: That's because Canadian Motorlamp closed down.

Mr. Maeck: —and what happens in this particular bill is going to have a great effect on the tourist industry.

Before I go further, however, let me say that I sympathize with any well-intentioned attempt to reduce unemployment and to give better working conditions for the workers. I think any member of the House whose efforts are directed towards assisting the unemployed should be commended.

Mr. Swart: And voted for.

Hon. Mr. Drea: The member for Welland-Thorold never worked a day in his life, and he knows it.

Mr. Maeck: At the same time, I think we all recognize that our efforts here must provide real help and in no circumstances must they exact a greater cost than the benefits they provide.

I have undertaken a careful examination of this bill and conclude that a substantial number of firms in the hotel, motel, restaurant, catering and tavern industries would suffer if it were enacted. What is perhaps even worse, the unemployment picture would ultimately not be improved.

Mr. Mancini: Who wrote this for you?

Mr. Warner: It sounds like a speech by the Minister of Industry and Tourism.

Mr. Maeck: The fact is that businesses today, and particularly those within the tourist industry, must operate in as lean and efficient a fashion as they can devise if they are to survive. Accordingly, labour costs cannot be permitted to exceed a given portion of overall expenses.

This is not so much a partisan position as a simple explanation of common business sense. And common sense indicates that if more employees are hired while total man-hours remain the same, then labour costs will increase, if for no other reason than because the employer must increase bookkeeping and support an increased number of benefit packages.

Given that scenario, the small tourist operator, struggling to survive under this additional burden, will be forced to reduce the hours of service he can provide in order to restrain the portion of costs that attach to his employees.

Mr. Warner: That's convoluted.

Mr. Maeck: It's not convoluted. Those members opposite who have tourist industries in their ridings will be well aware that they are in trouble already.

There may be some slack in government operations, although here too we have been increasingly careful in our utilization of human resources, but there is no slack in private enterprise operations in the tourist industry.

Mr. Martel: He knows that Minaki Lodge should be nationalized.

Mr. Maeck: To create the slack artificially, to damage the Ontario tourist industry's competitive position and to legislate needlessly, would be the worst possible response this Legislature could take. Certainly it would damage whatever confidence the electorate may have in us.

[9:30]

Mr. Warner: Ah, your confidence is shaken.

Mr. Maeck: The unemployed in Ontario do not require help from us for tomorrow or next week. That is the function of unemployment insurance. What they require from us is help for the rest of their lives and we can only provide that kind of support—

Mr. Warner: Offer some jobs.

Mr. Maeck: —within the context of long-term industrial strategies that recognize economic influence extended far beyond our legislative reach.

Mr. Warner: When do we receive that? Show us some jobs.

Mr. Maeck: In short, we cannot tinker away legislatively. We must examine the global economic spectrum and carve out for ourselves a strong and secure position. In the meantime, it would be disastrous to damage the economic integrity of business in Ontario—and I am thinking of the tourist industry especially—to damage business and to hire an employee next week by denying both the business and the employee their economic viability next year and the years thereafter.

At the same time, there is a positive sense in what we are debating today. Implicit in the bill is, as I have said, a proper focus of concern for the unemployed. This bill may not serve their needs or the needs of the tourist industry in Ontario and the business community as a whole.

Mr. Warner: Or the needs of the working people.

Mr. Maeck: But I thank the member for his effort. One hopes that we will emerge from this debate determined to increase collectively our efforts to reduce unemployment wherever realistically possible.

Mr. Swart: What we need is a minimum wage in Canada.

Mr. Acting Speaker: The member for Essex South.

Mr. Warner: Let the Liberal voice of labour stand up.

Mr. Mancini: Mr. Speaker, maybe your first job should be to quieten the people on the left so that I can properly address the House.

Mr. Swart: We don't want any good ideas coming forth, do we?

Mr. Warner: The only sign is the volume, not the wisdom.

Mr. Mancini: How did you guys get the member for Welland-Thorold in here this evening? I guess the 8 o'clock news is over. It is good to see him.

Mr. Foulds: The member for Welland-Thorold spends more time in the Legislature than you.

Mr. Acting Speaker: Order, please. Will the member for Essex South please continue the speech and ignore the comments to his left?

Mr. Swart: He is the one who makes the comments.

Mr. Mancini: I rise to support Bill 106. I have to say that as usual, when the member for Hamilton East stands to put forth a proposal, unlike many people from the left side of the House, he is usually careful with his words. I have to say he is one of the more believable people they have in their party. They should be happy they have him.

Mr. O'Neil: Is he running for leader?

Mr. Mancini: Anyway they are in third place and they are slipping fast so it does not matter. I can recall in my early days in high school—

Mr. Gregory: Last year.

Mr. Samis: Smart man.

Mr. Mancini: —when we were taking English history, reading in the history books about child labour in England and the abuse that the working people had to take at that time. I would like to say I am glad we have moved so far away from that type of thought and from that type of action in the work place. I think we need to continue to move in the direction of a 40-hour work week. I support the basic principle in Bill 106 that the work week should be 40 hours.

Mr. Germa: You are going to get thrown out of your caucus.

Mr. Mancini: Oh, goodness.

Mr. Acting Speaker: Order.

Mr. Mancini: I would also like to say, if my friends on the left will let me, that I am not exactly sure how many jobs this bill will create. I don't know if it will create any at all. I do think that the basic principle and the basic thought behind the bill is a good one. That is why I support it.

Mr. Samis: Convince the member for Quinte now.

Mr. Acting Speaker: Order, please. Could I ask the members for Scarborough-Ellesmere and Cornwall particularly to pay attention to the speaker and keep order?

Mr. Mancini: I don't know, Mr. Speaker, if this bill will provide a single job in my riding. I know many of my constituents have a choice as to whether they work more than 40 hours; they have a choice as to whether they want to increase their income through overtime. I know many of them do and I know many of my constituents want that choice; they want to increase their income through overtime. I also know many who want the privilege of not having to if they don't wish to do so.

I have two or three small concerns about the bill. I am not sure of the effect it will have on small business. I had hoped the member for Hamilton East (Mr. Mackenzie) would have some material from his research staff to put before the House with respect to the effect this bill would have on small business, if indeed it would create some type of hardship, as some members and some small business owners suggest; I am not sure about

that. I am not sure, further, what type of support it has among people in the area of tourism, as was stated before. Those points should be considered though.

I would like to close by saying people in my area who are represented by the UAW and people like that, don't need the assistance of this bill; but there are many people out there who are not organized and who are not protected by large and powerful groups. These are the people to whom the bill is actually directed. I choose to support the bill, and possibly in the future the member for Hamilton East could give us more facts and statistics on how the different groups I mentioned might be affected. Thank you, Mr. Speaker.

Mr. Davidson: It is a pleasure for me, Mr. Speaker, to rise in support of Bill 106 as put forward by the member for Hamilton East. Let me assure members, as he pointed out, this bill is long overdue in being enacted in this province. I am not going to use the approach he used, because I am one of those, contrary to the Minister of Correctional Services (Mr. Drea), who came from the work force; and when I went to work I worked a 52-hour week. I came from an industry where even today people are working a 48-hour week and they are doing so because of the law that exists in this province.

Let me assure you the 40-hour week will do much more than free people from the industrial bonds that held them down. It will also do much to develop a better society in which to live.

You may question that. Let me put it to you this way. Many of the children in our society are known as latch-key children. They are children whose parents, both parents, find it necessary to go to work in order to sustain themselves and their families. As a result of parents having to go to work and having to work excessive hours, many of the children are left in their homes prior to going to school in the daytime and come home in the evenings and still have to wait around for another hour or an hour-and-a-half for their parents to return from work.

That is the fault of the society in which we live. It is not the fault of the children; it is not the fault of the parents because both parents find it necessary to work. I would suggest to you that in the industry from which I came, in which the vast majority of workers are women, there are, even today, in unorganized textile plants right here in this city of Toronto and throughout the rest of this province, women who are finding it

necessary, because of the law in this province, to work a 48-hour week

Because they are compelled by the law of this province to work a 48-hour week, we have what is known as latch-key children. I'm quite certain if the Minister of Correctional Services and the Minister of Community and Social Services (Mr. Norton) were in this House that they would be well aware of what it is I am speaking of when I talk about latch-key children. Because it is those kind of children growing up in our society who are being put into correctional institutions, who are being put under the care of Community and Social Services. The reason is a lack of parental guidance throughout their growing up years, caused by a society that compels parents to work additional hours, compels both parents to work so they are able to survive as a family. This in itself is a crime against humanity as far as I'm concerned.

Now, going to a 40-hour week, you might say: "Well, what will that do?" By going to a 40-hour work week, if it is necessary for both parents to work, at the very least you could have women going to work at eight o'clock in the morning and coming home at four o'clock in the afternoon, which means that they would leave work at approximately the same time their children go to school and that they would return home from work at approximately the same time as their children. This in itself is not a total answer, but it would be a partial solution to the problem of dealing with latch-key children.

For those who doubt what I'm saying you don't have to run around your own riding, you don't have to say I don't have time to run around my riding and see what's happening, I suggest what you do is put aside part of an afternoon, as many of you over there and in the other benches in this Legislature apparently do on occasion—I don't know what you do with your time, you may go downtown or somewhere else—but take part of the afternoon to go down to one of the textile mills or other plants, shoe factories or whatever, not too far from this building, and talk to some of the workers in the sweat shops that exist down there on University Avenue and Spadina Avenue. You will find out from workers there exactly what it is I'm referring to when I talk about the hours of work they are forced to put in.

These are some of the problems that exist. As I said earlier it may not be that we can solve all of the problems of the children in

our society, but we may help to cure some of them.

The member for Parry Sound (Mr. Maeck) suggested that if we put a 40-hour work week into effect in Ontario—somehow or other Parry Sound was going to disintegrate into the ground, and that it will no longer exist because it will lose the tourist trade in the province. I would suggest to him that in the provinces of Manitoba and Saskatchewan they still have a viable tourist industry; it still exists, even taking into account the fact that they have a 40-hour work week. It has not disappeared at all; in fact if anything it's strengthening itself.

Mr. Swart: There's less unemployment.

Hon. Mr. Drea: And what happened to the Premier of Manitoba?

Mr. Davidson: I don't really know if I could support some of the statements that he made.

Hon. Mr. Drea: You don't know. That is why he is in the Scott Mission line.

Mr. McClellan: Be careful, Frank, your old self is showing.

Mr. Davidson: I don't really know if I could support some of the statements he made, knowing full well that the people who work in the tourist industry—and I mean work in it, not own it—the people who work in the tourist industry rely on tips in order to survive because of the wages that are allowed to be paid in this province. They have to work a 48-hour week in order to make a living, and they have to get the tips in order to exist; that, to me, is wrong also.

Hon. Mr. Drea: Just say it right now, are you against tips?

Mr. Martel: On the horses, yes.

Mr. Davidson: If the minimum wage in this province were adequate enough you would not have to rely on tips in order to survive.

Hon. Mr. Drea: I would like it recorded that he did not answer.

Mr. Deputy Speaker: Order, order.

Mr. Davidson: I would also like to point to the member for Essex South (Mr. Mancini) even though I congratulate him on having the insight to support this bill, that this is not in fact strictly a job-creating bill. It is a bill to bring some sense of justice into the Employment Standards Act of this province; and I think it's about time the people in this Legislature took a good look at what is happening around them and voted in favour and in support of this bill.

Thank you, Mr. Speaker.

[9:45]

Mr. Gregory: Mr. Speaker—

Mr. Samis: Oh, no; here's the right winger.

Mr. Gregory: —it gives me a great deal of pleasure—

Mr. Warner: Five out of eight; that's not bad.

Mr. Gregory: —to speak in support of defeating this bill.

Mr. Germa: In support of defeating?

Mr. Gregory: I thought the member would like that.

The party to which the member for Hamilton East belongs has certainly no monopoly on concern for the plight for the unemployed.

Mr. Warner: No, but we do something about it.

Mr. Gregory: Unemployment is a national problem which concerns us all and which requires national strategies for its eventual resolution. While it is certainly true the unemployed have rights which we must protect and underline with our support, something must also be said, Mr. Speaker, about the rights of the employed. If this bill is passed, the free enterprise of every man and woman in this industrial democracy of ours would be contained and circumscribed yet again by the burden of more government legislation. The business community already is forced to waste a tremendous reserve of energy simply complying with government regulations before it can produce the wealth to pay our salaries and underwrite government costs. It is not as if the business community has been sitting still. In October, 1976, 3,689,000 men and women were gainfully employed in honest job positions in Ontario. By October, 1977, that seasonally adjusted figure had increased by an impressive 142,000 job positions in one year.

Mr. Germa: Have you ever been seasonally adjusted yourself?

Mr. Samis: And the unemployment was as high as well.

Mr. Gregory: Did you ever think of going back down in the mine?

Mr. Mackenzie: He could survive there, you couldn't.

Mr. Germa: Wait until that happens to you, you'll get adjusted.

Mr. Gregory: That kind of increase was not achieved by sacrificing our productivity for short-term advantage, it was achieved—

Mr. Foulds: How does this bill sacrifice productivity?

Mr. Gregory: —with our commitment to increase productivity, to gear ourselves to

the eventual changes in tariff structures, which will otherwise overrun our economy, and to realign industrial growth to meet increasingly tough and more effective world competition. Today, the decline in Canadian dollar value has afforded us a strategic new opportunity to regain our competitive position.

Regrettably, this bill shows no sympathy for those realities. It reflects no appreciation for the magnitude of the task before all governments to house the unemployed within a sound and vibrant economy. If it were as simple to ameliorate the position of the unemployed as this bill suggests, Mr. Speaker, it would be a wondrous thing indeed. But even the most casual scrutiny of this spread-the-work-around ethic compels us to the opposite conclusion. If a small business in Ontario were forced to hire an additional worker, not because it needed one but because the member for Hamilton East said it must do so; and if that business in fact required only the few additional man-hours achieved by current overtime practices, then far from expanding job spaces—

Mr. Warner: Who's going to drag you into the 20th century?

Mr. Gregory: —the incapacity of the small businesses to function profitably or function at all would of course cause a reduction in job spaces.

Mr. Warner: Why don't you bring back child labour?

Mr. Gregory: You have a big mouth. You never listen, that's why you don't know anything. Maybe if you shut up once in a while you would learn something.

Mr. Acting Speaker: Order, please; order.

Mr. Foulds: He's playing to the galleries.

Mr. Swart: If he's going to pick a time to listen it shouldn't be now.

Mr. Gregory: The member for Welland-Thorold might try it, he hasn't shut up all day.

Asking business, especially small business, to worsen its own position time after time cannot lead to an improved employment picture. I await with some scepticism the day an NDP member will ask himself thoughtfully: "How can I help small business? How can I reduce its costs, encourage its growth and competitive position, and influence the creation—"

Mr. Warner: Easy, get rid of this government.

Mr. Foulds: Not on the backs of the workers.

Mr. Makarchuk: Or by reverting to slavery.

Mr. Gregory: "—of honest and meaningful jobs in our economy?" When some members of the NDP caucus announced their candidacy for the leadership of that party—

Mr. Makarchuk: You could really cut down on the overhead that way.

Mr. Gregory: There's the man who stopped the Elora Gorge project. He deserves a lot of credit for that, a lot of credit. I think his delay cost \$20 million.

Mr. Makarchuk: I should hope so.

Interjections.

Mr. Acting Speaker: Order.

Mr. Gregory: Mr. Speaker, do you have any control at all over these people?

Mr. Acting Speaker: Would the member please continue?

Mr. Gregory: As I was saying, when some members announced their candidacy for the leadership of the NDP party, I recalled some sort of assurance—

Mr. Makarchuk: It's NDP not NDP party.

Mr. Gregory: —that they would demonstrate economic realism, that they would show Ontario how they could run the store as well as anyone. You don't run a store with a bill like this one.

Mr. McClellan: You couldn't run a peanut stand.

Mr. Makarchuk: When was the last time you met a payroll?

Mr. Gregory: You've never had a job even at that.

Interjections.

Mr. Acting Speaker: Would the members to my left please allow the speaker to continue? Would the member for Mississauga East please ignore the interjections?

Mr. Gregory: Will I get extra time because of these interruptions?

Mr. Acting Speaker: Please continue.

Mr. Gregory: I would like to conclude my remarks with some observations.

Mr. Makarchuk: We're overjoyed.

Mr. Gregory: At least you're paying attention for the first time tonight. Upon examination of the bill before us, the first thing one analyst from the Ministry of Labour noted was that contrary to the theoretical notions of the opposition, the third party that is, there is in fact not a single review of empirical data which would support the NDP position that the work would be spread around to the unemployed of the work force. Most damning, though, is the comment of

another research analyst who estimates the establishing of the work week in this fashion would tend to hit those lowest on the income scale more than anyone else.

Mr. Speaker, with this bill which damages the capacity of small business to survive in this province, which damages Ontario's competitive position and threatens her economy, and which hurts the small income earner with an honest job more than anyone else, it is difficult to imagine how the NDP could have presented a more carelessly constructed proposal for the consideration of this House.

No doubt the opposition will say to the unemployed of Ontario: "We tried to help you, but got no support from the government." I say to the unemployed of Ontario: "We respect your serious difficulties and will never offer quack remedies for the cure of an illness which ultimately affects us all."

The issues raised by Bill 106 involve extremely complex ramifications for the province's labour force. As the Minister of Labour (B. Stephenson) has stated in the House, these issues are being considered by an internal employment standards review committee. The committee's task in this area is to carefully weigh job creation potential against potential negative results. Among questions being considered by the committee are the following: Would the reduced work week and the enhanced overtime payment provisions encourage employers to introduce technological improvements to replace workers, thereby adding to the unemployment problem; how does an across-the-board adjustment of the hours beyond which overtime must be paid affect enterprises where overtime is scheduled sporadically to meet special demands or peak load requirements; in these situations would the proposals contained in the bill increase employment opportunities at all, or would they merely disrupt production with adverse consequences to both employers and employees?

Mr. Warner: Did Eddie Goodman write that?

Mr. Gregory: No, he's working for you for free, you told me that a minute ago.

Mr. Makarchuk: He is more progressive than you are, he is a progressive part of the Conservative Party.

Mr. Gregory: Even if it is to be assumed that a reduction of the work week would create further employment opportunities, are there sufficient numbers—

Interjections.

Mr. Acting Speaker: Order.

Mr. Gregory: It's a good job you fellows

can hear through your mouth or you wouldn't know what was being said.

Mr. Mackenzie: Attila the Hun.

Mr. Gregory: Even if it is to be assumed a reduction of the work week would create further employment opportunities, are there sufficient numbers of persons now unemployed with appropriate training and skills to meet the demands, or would the reduced work week simply create bottlenecks for particular industries?

In raising these questions, I do not wish to suggest that any firm conclusions have been reached. However, I do wish to emphasize that there may be a superficial simplicity to Bill 106.

Mr. Acting Speaker: The member has one minute.

Mr. Gregory: The government feels strongly that the matters referred to must be carefully assessed in the total context of the employment standards review procedure before any piecemeal changes can be made. In the long-term, the interest of the employees of this province will not be served by changes which will endanger the viable and competitive position of Ontario industry. That is why the matter must be approached with caution, and a decision made only after exhaustive consideration of all available research material.

Mr. Ruston: I would like to direct my remarks to you, Mr. Speaker. I would hope we wouldn't have too many interjections so that we can continue to move along as time is getting on. I will try to add something to the debate.

With regard to Bill 106, my first inclination was that this bill in some way would increase employment, but I am not sure that it will. I studied it over the weekend and met with some of my colleagues, people in my area who are familiar with labour legislation and so forth and are active in their own unions, wherever they happen to work. I didn't really get very much support from them with regard to this bill.

Most of them, I must admit, are working on a 40-hour week in industry that pays time-and-a-half for anything over 40 hours. One of the concerns they had was that they are finding, in some segments of the automobile industry, there are people working as many as 80 hours in a week. This bill wouldn't solve that, because that is voluntary overtime.

I had one particular case where they told me a man had worked 36 hours straight through in one of the automobile plants. I

can't imagine any industry allowing this, but in some cases apparently they allow this, which is absolutely ridiculous. It's dangerous to the worker and dangerous to his fellow workers, dangerous to all concerned.

An interesting point one of them who is very active in the plant union made was that his assessment on overtime was that about 75 per cent would take it or leave it. I mean they would take it if it was there for at least one day, maybe, not necessarily wanting it all the time but being willing to work overtime regularly to some extent.

About 10 per cent of them didn't want anything to do with it. They absolutely didn't want anything more than a 40-hour week. They felt that was all they wanted to work. They wanted to be home, or whatever the case might be, rather than have any overtime.

Then there was 15 per cent, he was telling me, who would take any amount of overtime that was available. It didn't matter how many hours it was, they would work 12 hours a day straight through for seven days a week, which some of them have done. I don't know how one controls that type of thing, because some people have an incentive to want to work and want to get ahead; it would be difficult to restrict that. On the other hand, maybe at times when unemployment is high, that is something to think about in the future.

I see in the Bell telephone union, some have been working 48 hours. A number of them are concerned about that. In an account in the Toronto Star of last week one man had worked his 48 hours and then the company insisted he work longer. There have been some problems there. I am wondering whether there's any solution to these long hours; there definitely has to be something.

What we are all looking for right now is some way of increasing employment. What concerns me with some of the small industries where there may be only 10 employees, or where they are working 44 hours a week and not receiving any overtime for those four hours at the present time, I wonder whether they would have problems in competing at a compulsory 40 hours a week. We are seeing cases now in Windsor and the Detroit area—I was reading about it in the Detroit News this weekend—where plants have been moving. Some of them have moved out of Michigan and gone to the southern states where they can operate a little more cheaply.

It is not necessarily the per hour rate; the cost of operations are a little less because

of heat and so forth farther south where it's warmer to operate these plants. The wage scale of course is somewhat lower because of circumstances in that area.

[10:00]

I would be reluctant to support this bill at this time, when the main thrust of anything to do with the government should be to increase employment. This bill does not really do that, although a few minutes ago one of the members—I think it was the member who introduced a bill or one of his colleagues—said it wasn't really the intention of the bill to increase employment; it was to bring about a fairer work week for non-unionized people.

That might be fine but, as I mentioned before, we have got to consider what can we do at this time to increase employment and to bring that eight per cent down to whatever is considered a reasonable figure. I suppose there are different levels, or that no level is good, but if we could get it down to four or five per cent, we would have a pretty good economy.

I am concerned that this might disrupt some of our small industries, and those employing less than 50 people probably would be affected more than others. But, in the automobile industry, I know of some people who work there part-time and go to university. I know one chap who works on the afternoon shift every Friday in one of the automobile industries, and he goes to university steady. That is because of absenteeism on Friday. They can get a number of these students in to work at any particular spot where somebody is not in on a Friday night. People doing shift work find it gets pretty monotonous at times, and for them it's kind of nice to have a night off. This creates some employment, of course.

If there was some way we could keep a reasonable overtime for times like this, it probably would help considerably. But on the other hand, as I say, some people like to work and work. To compare it to farming, one farmer may buy 150 acres of land and be content to farm that 150 acres forever, whereas his neighbour may buy 150 acres and five years later he will buy another 100. Just as in anything else, it is a matter of incentive: if you have the ambition and incentive, you may get ahead. That is something we don't want to stifle either.

I think the Ministry of Labour should be looking at the number of hours that some people are working in many of the major factories. This really should be checked into and investigated, because I am concerned

that it is unsafe for those putting in the long hours and for those who may be working around them.

I would be glad to support this bill if I thought it would create any employment. But the way this bill reads I just don't think will help us in creating any new jobs at this time. I am afraid that I can't support it.

Mr. Foulds: Mr. Speaker, I rise to enthusiastically and wholeheartedly support the bill.

The bill does a very simple but very dramatic and necessary thing for the working people of this province: it reduces the standard work week to 40 hours and it makes time and a half compulsory for overtime after that time.

The bill is necessary for organized labour so that they can then concentrate in their collective agreements, on negotiating social concerns, working conditions and health and safety matters, which are of great importance in this day and age, as is becoming more and more apparent to us.

Even more important than for organized labour, this bill will be a great step forward for the unorganized workers of Ontario.

While it is important for the industrial unions, as my colleague from Hamilton East pointed out, it is even more important for those people working in the service industries who often work long hours and for low and unacceptable pay. It is a side effect of the bill, not a primary purpose but a side-effect of the bill; it is a good side effect and it will create additional jobs.

We have heard from the opposition benches, and from the Conservatives, that we need to have lean and efficient operations in Ontario in terms of corporations. I have been seldom more offended than I have been offended by the arguments put by the member for Mississauga East (Mr. Gregory). The logical extension of his argument, and his argument was solely that the workers, that labour, must bear the brunt of making industry efficient and lean in Ontario, the logical extension of that argument is that we should go back to slavery, because that's the most efficient way of reducing the cost of labour; that should be put firmly on the record.

We have to consider that there are three elements that make an industry efficient and lean, there are three components: labour, capital and management. I suggest to you that if any industry in this province is so sloppy in its management, and so delinquent in its capital, that it relies solely on labour to make the cuts that are necessary for it to survive, then that industry does not deserve

to survive in this province or in this country or in the 20th century.

The bill is important also for unorganized workers. We know how difficult it is to organize workers, because the labour laws of the province and the country are stacked against arriving at a first contract. In a small way this bill helps in that respect as well.

Even more important are the human effects of the bill. Surely it is about time, in a civilized society, no matter how tough the so-called economic conditions are, that we use the technology of the industrial revolution, and we use the technology of the 20th century, to the benefit of mankind, to the benefit of working men and women. We should not be using humanity, working men and women, as cannon fodder, as the prime force, making them subservient to our technology and to the industrial revolution.

The important social side effects have been most eloquently expressed by my colleague the member for Cambridge (Mr. Davidson). Might I just relate my own personal experience?

We get a lot of sympathy, as members of the Legislature, because we have to spend a lot of time away from our families and children. My father happened to be a CNR section man and never in his life, after working 47 years, did he earn more than \$5,000 in a year. Even more important, to achieve that level of income in the so-called booming '50s, he had to work extraordinary hours of overtime, because he happened at that point in his life to be a section foreman and earning the magnificent salary of \$1.17 an hour. Whenever there was a train wreck along the line, and he happened to have a certain expertise, he would go and work on that wreck to get the tracks in shape and to get the trains moving again, often for 24, 36 and 48 hours at a time; grabbing an hour's nap here and there.

It is a corollary that the imposition and the necessity of overtime artificially keeps down the level of wages for regular pay. I submit to you that it is absolutely essential that low pay not be the primary consideration or the most important factor in keeping the economy of this province going, and that we not rely—

Mr. Eaton: Is that for farm work too, and the low cost of the food?

Mr. Foulds: —on unnecessary overtime; because as I said, one of the most important side effects of the bill is that it will create jobs.

This bill does not cut productivity. What this bill does is bring equity and justice to the work place, and as a side effect it creates

jobs. And for those many reasons, Mr. Speaker, I am delighted to support it.

Hon. Mr. Drea: Mr. Speaker, I want to speak to this bill in a very firm and a very straightforward way. But first of all I would like to point out that I am probably the only cabinet minister in this government, or any other government in Canada, who has lost his job because of the non-economic viability of the enterprise. I will be quite frank with you, Mr. Speaker; that colours my views toward the problem of people who are going to lose their jobs.

I really don't care whether they lose their jobs because of what the technological people or the economic people describe as "viability." I don't care whether they lose their jobs because of plain business mismanagement. I don't even point the finger today, seven or eight years afterwards, at a stupid union. I regard that as part of the human condition. But I can talk about people who are unemployed.

I also want to talk to the House very straightforwardly tonight as the man who brought in the minimum wage for men in the province of Ontario—not a political party. I take the members back to the days of the late 1950s; there wasn't a minimum wage for males in this province. People forget that. There was a 75 cents an hour minimum wage for females but nothing for males.

I used the instruments that were available to me at that time, which was the press. Out of that came the Goldenberg royal commission and out of that came the first male minimum wage in this province. So I can talk first-hand about unemployment and I can also talk first-hand about the question of perhaps not a decent wage in terms of all the things that we look at when we think of a decent wage, but at least a basic wage for men and women who went to work.

I must say that I am going to point the finger a little bit tonight, because I think this debate on unemployment has been a bit of a circus.

Mr. Nixon: It looks like the block is in, anyway.

Hon. W. Newman: Glad you recognize it.

Mr. Nixon: Either that or it is pay day.

Hon. Mr. Rhodes: Were those lawyers talking to you?

Hon. Mr. Drea: I am not going to attribute any motives nor am I going to point the finger of any credibility about the member who brought in the motion. But surely at a time when a nation is in a moment of peril, economic and social and political, the ques-

tion of the unemployed worker, male or female, in 1977 deserves a lot more attention than it received in this House tonight.

I want to say to you that I am an employer as the Minister of Correctional Services. I have a licence plate facility. I have a textile plant—and I heard all about the textile industry tonight. I have the best mattress factory, not only in this province but in the country. As a matter of fact we are doing things that will make sure people don't die from a faulty type of mattress which is all too prevalent in institutions today.

Mr. Ziemba: You are a little late there. Interjections.

Mr. Nixon: That is the Drea we know. Take him outside.

Hon. Mr. Drea: I want to talk about the fact that I have a metals plant where we recycle metals.

I recycle the metals that were used in old jails and we put them into new jails and they are a gift to the taxpayer. We do that, so I am an employer, as well.

Interjections.

Mr. Havrot: Recycle your tongue over there.

Hon. Mr. Drea: I want to say to you, Mr. Speaker, that the unemployment problem in this country is not a matter of how many hours, whether it is 48, or 44, or 40, or 38, or 36 or zilch.

Mr. Germa: Zilch?

Hon. Mr. Drea: The fundamental problem with unemployment in this country is very plainly and simply—

Mr. Martel: It is not working.

Mr. Germa: Unemployment is not working.

Hon. Mr. Drea. —that through a number of factors we have priced ourselves out of the market. And not once tonight—not once tonight—have I heard a single constructive suggestion—

Mr. Makarchuk: That is not what Darcy says.

[10:15]

Hon. Mr. Drea: One of the constructive suggestions is I do not have a low wage mentality. I believe the worker in this province and this country should get the highest possible value for his input.

Ms. Gigantes: What?

Hon. Mr. Drea: Mr. Speaker, not once tonight have I heard about productivity.

Mr. McClellan: Yes, you have; weren't you around?

Mr. Foulds: What do you think I talked about?

Hon. Mr. Drea: I have heard about the fact that in Japan they have new strip mills for their steel industry. Very humbly I suggest to you tonight that in terms of the capital investment required for a steel strip mill—and I come out of the steel workers' organization—I know what it costs the company and I know what it costs the union in terms of productivity. Not once, tonight have I heard about the capital investment.

Mr. Foulds: Yes, you did.

Mr. Wildman: The member for Port Arthur spoke about it.

Hon. Mr. Drea: One silly New Year's Eve speech and people will not invest in this country; this is why people are unemployed today, not because of the fact they are working a number of hours.

Interjections.

Mr. Makarchuk: That is verbal and economic myopia.

Mr. Speaker: Order, please. Every member in this chamber has a right to be heard.

Hon. Mr. Drea: Mr. Speaker, I want to talk in a very straightforward manner tonight, and I am going to point the finger right now. Where is the ghost of Larry Sifton? Larry Sifton wouldn't have made the kind of speeches that were made tonight from the member's party, he should be ashamed of himself.

Where are the people who built the textile unions in this country? They wouldn't have made that kind of a speech and the member knows it.

Before we come to grips with the unemployment problem in this country—and to me it is a very desperate problem. It is an individual problem; it is the loss of dignity, it is the loss of belief in a system; it is the loss of belief in a country that was held up to you as the place where you could raise your family in dignity, where your children could be better off than you were.

Mr. Germa: Darcy screwed it up.

Mr. McClellan: Now for the truth; tell us about the 40-hour week.

Hon. Mr. Drea: To me during this whole exercise tonight, and I say this with a great deal of sadness, much more with sadness than I say it with criticism, we haven't done one single thing for one unemployed person; except to heap more criticism on him, to put an even bigger burden upon his shoulders, to show him that even where there is the best talent and the best brains in this prov-

ince, and I believe that, that we haven't a single alternative.

As I said, I speak somewhat out of sadness, but I would hope before the next time we indulge in this kind of exercise there is considerable thought given to the type of bill and to the type of speech put forward. The government doesn't have all the answers, and neither does the Liberal Party and neither does that party; but for heaven's sake when we are dealing with humanitarian items, such as the point of the unemployed in Canada in 1977, then, sir, I suggest to you with all due respect that a great deal of thought be given, a great deal of preparation be given, and then we can do better than the circus that appeared here tonight.

Mr. Mackenzie: There is one thing I want to say, Mr. Speaker—I probably wouldn't have ended this way, but I think it is appropriate—one of the things Larry Sifton did all of his life, apart from possibly getting rid of the member opposite in the House, one of the things that he did all of his life was fight for working people, and fight at a very ordinary level; and one of his passions was a 40-hour week. The Minister of Correctional Services should be honest with his comments. We dealt with economics, and with the capital cost of plants; we did. I used it and gave him a couple of examples in my remarks, but obviously he wasn't listening.

Mr. Havrot: They are tools of the American unions.

Mr. Wildman: What about American companies?

Mr. Mackenzie: While there may be appreciation for some of the work being done, members should be careful they don't break their arm patting themselves on the back.

As I said very clearly at the beginning, this bill may not provide X number of jobs, but it's likely to help. It is a positive step. It does prevent some of the situations where the 48 hours is used across-the-board, and it's long overdue.

Mr. Speaker: There are two items of business for the House to consider at this time.

ENVIRONMENTAL ASSESSMENT AMENDMENT ACT

The House divided on the motion for second reading of Bill 100, which was negatived on the following vote:

AYES	NAYS
Blundy	Auld
Bradley	Baetz
Breithaupt	Belanger

AYES:

Campbell
Conway
Davison
di Santo
Edighoffer
Gaunt
Germa
Haggerty
Hall
Lawlor
Mancini
McGuigan
McKessock
Miller, G. I.
Newman, B.
Nixon
O'Neil
Riddell
Roy
Ruston
Samis
Van Horne
Wildman
Ziemba

NAYS:

Bennett
Bernier
Birch
Brunelle
Bryden
Charlton
Cureatz
Davidson
Drea
Dukszta
Eaton
Elgie
Foulds
Gigantes
Grande
Gregory
Grossman
Havrot
Henderson
Johnson
Jones
Kennedy
Kerr
Lane
Laughren
Leluk
Lewis
Lupusella
MacBeth
MacDonald
Mackenzie
Maeck
Makarchuk
Martel
McCaffrey
McCague
McClellan
McKeough
McMurtry
McNeil
Newman, W.
Norton
Parrott
Pope
Rhodes
Rotenberg
Rowe
Smith, G. E.
Stephenson
Sterling
Swart
Taylor, J. A.
Taylor, G.
Timbrell
Turner
Villeneuve
Walker
Warner
Welch
Wells

NAYS:

Williams
Yakabuski

Ayes 27; nays 65.

Mr. Speaker: I declare the motion lost.

EMPLOYMENT STANDARDS
AMENDMENT ACT

The House divided on the motion for second reading of Bill 106, which was negatived on the following vote:

AYES

Blundy
Bradley
Breithaupt
Bryden
Campbell
Charlton
Davidson
Davison
di Santo
Dukszta
Foulds
Gaunt
Germa
Gigantes
Grande
Haggerty
Laughren
Lawlor
Lewis
Lupusella
MacDonald
Mackenzie
Makarchuk
Mancini

NAYS

Ashe
Auld
Baetz
Belanger
Bennett
Bernier
Birch
Brunelle
Conway
Cureatz
Drea
Eaton
Edighoffer
Elgie
Gregory
Grossman
Hall
Havrot
Henderson
Johnson
Jones
Kennedy
Kerr
Lane

AYES:

Martel
McClellan
Newman, B.
Nixon
Riddell
Roy
Samis
Swart
Van Horne
Warner
Wildman
Ziemba

NAYES:

Macbeth
Maeck
McCaffrey
McCague
McGuigan
McKeough
McKessock
McMurtry
McNeil
Miller, G. I.
Newman, W.
Norton
O'Neil
Parrott
Pope
Rhodes
Rotenberg
Rowe
Ruston
Smith, G. E.
Stephenson
Sterling
Taylor, J. A.
Taylor, G.
Timbrell
Turner
Villeneuve
Walker
Welch
Wells
Williams
Yakabuski

Ayes 36; nays 56.

Mr. Speaker: I declare the motion lost.

On motion by Hon. Mr. Welch, the House adjourned at 10:36 p.m.

CONTENTS

Tuesday, November 22, 1977

Private Members' Business, Environmental Assessment Amendment Act, on second reading, Mr. McGuigan, Ms. Bryden, Mr. Johnson, Mr. McKessock, Mr. Warner, Mr. Williams, Mr. G. I. Miller, Ms. Gigantes	2151
Employment Standards Amendment Act, on second reading, Mr. Mackenzie, Mr. Maeck, Mr. Mancini, Mr. Davidson, Mr. Gregory, Mr. Ruston, Mr. Foulds, Mr. Drea	2161
Environmental Assessment Amendment Act, Mr. McGuigan, negatived on second reading	2174
Employment Standards Amendment Act, Mr. Mackenzie, negatived on second reading	2175
Motion to adjourn, Mr. Welch, agreed to	2175

SPEAKERS IN THIS ISSUE

Bryden, M. (Beaches-Woodbine NDP)
 Davidson, M. (Cambridge NDP)
 Drea, Hon. F.; Minister of Correctional Services (Scarborough Centre PC)
 Eaton, R. G. (Middlesex PC)
 Edighoffer, H.; Deputy Speaker (Perth L)
 Foulds, J. F. (Port Arthur NDP)
 Germa, M. C. (Sudbury NDP)
 Gigantes, E. (Carlton East NDP)
 Gregory, M. E. C. (Mississauga East PC)
 Haggerty, R. (Erie L)
 Havrot, E. (Timiskaming PC)
 Johnson, J. (Wellington-Dufferin-Peel PC)
 Laughren, F. (Nickel Belt NDP)
 Mackenzie, R. (Hamilton East NDP)
 Maeck, L. (Parry Sound PC)
 Makarchuk, M. (Brantford NDP)
 Mancini, R. (Essex South L)
 Martel, E. W. (Sudbury East NDP)
 McClellan, R. (Bellwoods NDP)
 McGuigan, J. (Kent-Elgin L)
 McKessock, R. (Grey L)
 Miller, G. I. (Haldimand-Norfolk L)
 Newman, B. (Windsor-Walkerville L)
 Newman, Hon. W.; Minister of Agriculture and Food (Durham-York PC)
 Nixon, R. F. (Brant-Oxford-Norfolk L)
 O'Neil, H. (Quinte L)
 Rhodes, Hon. J. R.; Minister of Housing (Sault Ste. Marie PC)
 Riddell, J. (Huron-Middlesex L)
 Rotenberg, D.; Acting Speaker (Wilson Heights PC)
 Ruston, R. F. (Essex North L)
 Samis, G. (Cornwall NDP)
 Stokes, Hon. J. E.; Speaker (Lake Nipigon NDP)
 Swart, M. (Welland-Thorold NDP)
 Van Horne, R. (London North L)
 Warner, D. (Scarborough-Ellesmere NDP)
 Wildman, B. (Algoma NDP)
 Williams, J. (Oriole PC)
 Ziembra, E. (High Park-Swansea NDP)



Legislature of Ontario Debates

Official Report (Hansard)
Daily Edition



First Session, 31st Parliament

Thursday, November 24, 1977

Afternoon Sitting

Speaker: Honourable John E. Stokes

Clerk: Roderick Lewis, Q.C.

CONTENTS

A list of the speakers taking part in the debates in this issue of Hansard appears, in alphabetical order, at the back of this issue.

Daily contents of proceedings also appears at the back of this issue. Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff. Phone 965-2159.

Hansard subscription price is \$15.00 per session, from: Sessional Subscription Service, Printing Services Branch, Ministry of Government Services, 9th Floor, Ferguson Block, Parliament Buildings, Toronto M7A 1N3. Phone 965-2238.

Published by the Legislature of the Province of Ontario.
Editor of Debates: Peter Brannan.



LEGISLATURE OF ONTARIO

THURSDAY, NOVEMBER 24, 1977

The House met at 2 p.m.

Prayers.

Mr. Williams: Mr. Speaker, point of order.

Mr. Deans: How can it be a point of order?

Mr. Speaker: We haven't started anything today, so nothing could be out of order unless you want to say that prayers were out of order. You will have to rise on something else.

Mr. Williams: It deals with the debate that took place in the House last Tuesday evening.

Mr. Speaker: It is not a point of order. If you want to rise for the purpose of clarifying something that was misunderstood, you may do so, but don't call it a point of order.

OBSERVANCE OF DECORUM

Mr. Williams: Perhaps I could rise on a point of personal privilege then, Mr. Speaker.

Mr. Breithaupt: You can always do that.

Mr. Williams: Mr. Speaker, during the debate last Tuesday evening during the private members' hour you had occasion to rise in the House and remind the members of the House that indeed every member had a right to be heard. This resulted from the considerable amount of commotion going on in the House.

I am submitting to you, Mr. Speaker, as a matter of equal importance, that during the private members' hour, every member has a right to equal time in the debate. I would ask you to consider a ruling on the latter point, because I honestly believe that some members are in fact being denied their full time allotment.

If you would allow me a brief moment to make my point, I would point out, and I think many members are aware of the fact, that the members of the third party in particular have a well known trait for shouting insults and ridicule and generally causing commotion while members of both the official opposition and members of this side of the House are speaking.

Mr. Lewis: Oh, knock it off.

Mr. Ashe: You don't like to hear the facts.

Mr. Williams: That was a perfect example, Mr. Speaker. Knowing the mentality of the opposition members we understand this compelling need on their part. It seems to be their substitute for honest debate of the issues.

Hon. Mr. Kerr: See what he means?

Mr. Lewis: I heard him, I heard him.

Mr. Williams: While the public perception of this buffoonery is a lowering of the dignity and decorum of this House, I can assure you that the members who are targets of this tactic have no difficulty in taking this nonsense in their stride.

Mr. Warner: Why don't you raise the decorum of the House and resign?

Mr. Williams: However, what is not appreciated is the loss of valuable speaking time—

Mr. Breithaupt: Hear, hear. Like now.

Mr. Deans: That is what is happening now.

Mr. Williams: —that is denied to the members because of unnecessary interruptions. What I would ask you to consider, Mr. Speaker, is the exercise of your discretion during debate on the private members' bills—

Mr. Lewis: Use a cat o' nine tails.

Mr. Williams: —to extend the time to members where they have lost two or three minutes of their allotted speaking time because of unruly interruptions—

Hon. Mr. Rhodes: It's the member for Brantford (Mr. Makarchuk)—that is who it is.

Mr. Williams: —so that the loss is not at the expense of the speakers, but rather at the expense of those who are delaying the proceedings of the House. I'd ask you to take that under advisement.

Mr. Speaker: All I can say to the hon. member is that the time allocation for the members of the various parties during the ballotted items is by agreement of all three parties and there is nothing official with regard to standing orders. I think it is quite obvious that all of the presiding officers in

this chamber have made every effort to maintain order, and perhaps all members could take heed to what has been said thus far and make better use of the time afforded us.

Mr. Williams: Mr. Speaker—

Mr. Speaker: You can't debate it.

Ms. Gigantes: Point of personal privilege—

RULES OF THE HOUSE

Mr. Speaker: If I might, just before I recognize other members of the House, I would like to draw the attention of hon. members to a difficult situation that arose last week. Last Monday I advised the House that I had requested each caucus to give consideration to the question of access to parts of the chamber and its lobbies by members of the press and other strangers.

I have had a response from the usual channels which indicates to me that members of the House are content to allow accredited members of the press gallery to exit from the press gallery by use of the staircase behind the Speaker's chair—

Mr. Lewis: Triumph returns.

Mr. Speaker: —but only to move quickly and quietly—and I emphasize that—only to move quickly and quietly out of the chamber. Members of the House are in no way to be distracted in the House.

Mr. Lewis: Absolutely.

Mr. Speaker: There was no indication whatsoever that the rules governing the use of members' lobbies should change. I will continue to enforce the procedure whereby members of the press are not permitted in the members' lobbies. I hope this will be of assistance to members of the House whose interests must, of course, come first, and the accredited members of the press gallery who have a most important function in the conveyance of the proceedings of the House to the public. I hope that is satisfactory to all concerned.

Ms. Gigantes: Point of personal privilege, Mr. Speaker.

Mr. Roy: Point of personal privilege, Mr. Speaker.

Mr. Speaker: The hon. member for Ottawa East.

ALLOCATION OF TIME FOR ESTIMATES

Mr. Roy: Mr. Speaker, my point of personal privilege deals with the privilege of the members to be afforded an opportunity to review some of the estimates of various ministries and government agencies,

I don't want to be unduly critical of the House leaders and other members of the House because they are trying to allocate time as they see fit. But I do want to bring to the Speaker's attention that, for instance, on Tuesday evening, we were in the estimates in the standing committee on general government—

Mr. Speaker: So we don't unduly waste the time of the House I would like to draw to the attention of the hon. member that the House has no jurisdiction to deal with anything that happens in committee with regard to the allocation of time unless it is specifically requested to do so by that committee through its chairman. The House has no jurisdiction until it is asked to intervene in that way.

Mr. Roy: I ask the Speaker to intervene because—

Mr. Speaker: I can't intervene at the request of an individual member. I can only do so at the request of the committee through the chairman.

Mr. Roy: Mr. Speaker, if I may—

Mr. Speaker: You can't debate the question. I have made my decision—

Mr. Roy: I am not debating. I want to ask the Speaker a question if I may.

Mr. Speaker: Why doesn't the member ask the chairman of the committee concerned?

Mr. Roy: I've already discussed it with the chairman of the committee and I thought I should discuss it with you. You are the one who is supposed to protect my personal privilege.

Mr. Speaker: Through the committee system in this House.

BELLEVUE NURSING HOME

Ms. Gigantes: Mr. Speaker, I have a point of personal privilege, and I will try to keep it short.

On Tuesday last, in consideration of the estimates of the Ministry of Health in the social development committee, I was discussing Bellevue Residence in the riding of Carleton East and I said: "One former staff member is concerned because Bellevue has no evacuation plan in case of fire."

It has been forcefully brought to my attention by the Gloucester township fire department that Bellevue Residence does have an evacuation plan in case of fire. I wish to remove any implication that I was criticizing the Gloucester township fire department. My criticism is that an experienced, concerned member of the Bellevue staff did not know of such an evacuation plan.

STATEMENTS BY THE MINISTRY

SUPPLEMENTARY ESTIMATES

Hon. Mr. Auld: Mr. Speaker, I have a message from the Honourable the Lieutenant Governor signed by her own hand.

Mr. Speaker: By her own hand, P. M. McGibbon, the Honourable the Lieutenant Governor, transmits supplementary estimates of certain additional sums required for the services of the province for the year ending March 31, 1978, and recommends them to the Legislative Assembly, Toronto, November 24, 1977.

ENERGY CONSERVATION

Hon. Mr. Drea: Mr. Speaker, I am pleased to inform the House that my ministry is setting a fine example in its achievements as a participant in this government's energy management program. Provincial correctional institutions achieved a 19 per cent reduction in energy usage during the first six months of 1977, in comparison with the same period in 1976.

Mr. Lewis: That was before you were minister.

Hon. Mr. Drea: The reduction is nearly double the target set for the previous year—10 per cent. It represents a cost avoidance and an energy saving of \$325,000. The Ministry of Correctional Services was 13th among Ontario ministries to receive funding for the energy management program and in that light our progress has been particularly outstanding. Energy saving methods were established and closely followed by the ministry with the help of expert counsel of private industry.

The moneys saved by energy consumption reductions will remain within the budgets of the individual institutions and thereby avoid some staff and program cutbacks which might otherwise have occurred.

Mr. S. Smith: Getting a small car, Frank?

CHRONIC HOME CARE

Hon. Mr. Timbrell: Mr. Speaker, this afternoon I am tabling a report on the evaluation of the pilot chronic home care program. Copies have already been deposited with the Clerk of the House.

Home care began in Ontario under the Toronto Board of Health in 1958, under the Victorian Order of Nurses in Ottawa in 1964, in Guelph in 1965, and in Hamilton, London and Windsor in 1966. Its original purpose was to reduce the demand for active treatment beds.

[2:15]

Guidelines developed in 1970 and refined in 1973 restricted home care to short-term active care. This was where rehabilitation was a realistic goal and where progress, as a result of nursing care, physiotherapy, occupational or speech therapy, could be expected.

In 1975, it was proposed that the effectiveness of extending home care into the chronic care sector be examined. Chronic home care, it was believed, could prevent or slow the physical and mental deterioration of the patient and ease the demand on all types of institutional beds. At the same time, it would save money, since home care is less expensive than institutional care.

In 1975, home care programs were extended into the chronic care sector in Kingston, Thunder Bay and Hamilton, with the understanding that these programs would be evaluated before further expansion was undertaken.

My ministry felt that before province-wide implementation of programs, existing programs should be evaluated to determine their value to the people they serve, and their cost-effectiveness. A study was undertaken beginning on October 1, 1975, and was only recently completed.

The results of the study indicate that chronic home care is more economical than institutional care on a per-patient basis. It also seems apparent that the program is meeting its major objective—easing or preventing further deterioration of the people it is helping.

However, the study was undertaken during a period of rapidly increasing use of the program, and for this reason the total cost implications, and particularly the impact on other parts of the health care system, could not be reliably estimated.

The costs of extending the program across the province would be very significant, of that I am certain. It is therefore crucial that the program develop in a planned and orderly fashion—that we know precisely how much a province-wide expansion could potentially cost.

It is equally important that we know the ultimate effect the program will have on the rest of the health care system. The program cannot be viewed as simply another addition to the system. It must be seen in the context of its objective—acting as a substitute for institutional care. The total impact cannot be fully anticipated against a rising case load.

The recommendations of the study are:

1. That the chronic home care program continue for another 18 months as it presently exists in Hamilton, Kingston and Thunder Bay;

2. That the more extensive evaluation now feasible due to stabilizing case load be carried out on the chronic home care programs for a 12-month period—allowing four months to prepare for the study and two months to prepare the report; and

3. That the home care information system be revised to provide patient-specific data and indicators of health status.

All three of these recommendations will be implemented. Moreover, to augment the evaluation and to expand services in an orderly fashion, I hope to extend this program further in the New Year.

In tabling this report I welcome the opinions of all concerned with this valuable alternative health care program.

ORAL QUESTIONS

INTERMEDIATE CAPACITY TRANSIT SYSTEM

Mr. S. Smith: Mr. Speaker, a question of the Minister of Transportation and Communications. When was the last time that the minister had a report on the intermediate capacity transit project of the UTDC near Kingston? Did that report indicate that vehicle size had increased to 40 feet, that the practicality of the steerable axle is in question due to severe metal stress, and finally and most important, that the linear induction motor upon which almost the entire rationale for this concept and system is based may have to be replaced by a more conventional rotary motor?

Hon. Mr. Snow: Mr. Speaker, I do get periodic reports with regard to the progress of the ICTS program being carried on by UTDC. I don't recall any report specifically giving me the information that the hon. Leader of the Opposition suggests.

Mr. S. Smith: By way of supplementary, considering that the ministry is planning to spend about \$55 million on this project, would the minister undertake to be brought up to date about what is happening there? And would he not agree that if the vehicle size increases, if the steerable axle is done away with, and if an ordinary motor is returned to this project, that basically he is spending \$55 million to reinvent the bus or the subway car?

Hon. Mr. Snow: No, Mr. Speaker, I don't accept that at all. My ministry does have a

monitoring group within the ministry that monitors the progress of the ICTS program and reports directly to my deputy minister. I do recall some discussions as to some possible change in vehicle size—a possible change because of design problems in fitting the necessary equipment within the vehicle; possibly they were going to enlarge the vehicle some amount. I do not recall the 40 foot figure that was mentioned at all and I don't recall receiving any report on the other items, but I'll certainly inquire.

Mr. Cunningham: I'm wondering if the minister would indicate how much money has been spent on this fiasco to date, and what is the source at the present time? If he is borrowing money, who is he borrowing it from and at what interest rate?

Hon. Mr. Snow: Mr. Speaker, I'll have to get a report from UTDC on the total expenditures to date. But money is being supplied to UTDC through the estimates and budget of my ministry.

Mr. Kerrio: Is there any jurisdiction where these articulated vehicles are in use, and have they been proven practical?

Hon. Mr. Snow: Mr. Speaker, I really don't know what the hon. member is referring to. The intermediate capacity transit system has nothing to do with an articulated vehicle. If the hon. member knows what an articulated vehicle is, then I'm sure he must know that there are many jurisdictions in which they are in use. There are articulated buses and there are articulated streetcars; they're in use in almost every country in Europe. I really don't see, Mr. Speaker, how this has any relation to the original question.

Mr. Cunningham: You answer the question, we will make the rules.

Hon. Mr. Snow: But we do plan within my ministry—and it's nothing to do with UTDC—on calling tenders some time within the next few months for the manufacture and supply of approximately 50 to 60 articulated bus units, which will be supplied to different transit systems throughout the province.

Mr. Cunningham: Supplementary: Am I correct in the assumption that the ministry is not borrowing money from the private sector at this time?

Hon. Mr. Snow: We are not.

Mr. Cunningham: I mean UTDC.

Hon. Mr. Snow: I'm not aware; I'll check into that. UTDC is a federally chartered, corporate structure which may or may not, from day to day during the normal business practices, be borrowing money from a chartered bank.

Mr. Cunningham: Mr. Speaker, could I draw the minister's attention to my original question? I wonder if he might favour me with a reply?

Hon. Mr. Snow: Mr. Speaker, I'm not aware of the question that he asked.

Mr. Cunningham: I asked the minister if he was borrowing money from a private institution, how much and at what rate?

Hon. Mr. Snow: Mr. Speaker, I cannot answer that question exactly today. I just say that UTDC is a corporate structure, separate from the ministry, of which the ministry is the sole shareholder on behalf of the province of Ontario. That corporate structure has its own officers and its board of directors and operates as a normal business corporation. I wonder if the hon. member has had some experience in doing business in this world. I would think people in his party might have a little; the other party probably has none. But I would expect that the hon. member might understand that a business like this would have normal banking arrangements.

Mr. Reid: Any normal corporation would be bankrupt.

Mr. Martel: The Liberals would rip everyone off.

Mr. Cunningham: Mr. Speaker, by way of final supplementary: As the person in charge of this fiasco, is the minister not aware where he is getting his money, or where that corporation is getting its money, and at what rate? As the minister in charge, is he not aware of that?

Mr. Lewis: The question has been asked.

Hon. Mr. Rhodes: Go ask the Mounties.

Mr. McClellan: I don't think we should repeat questions, do you?

Hon. Mr. Snow: Mr. Speaker, to the best of my knowledge and according to the last financial statement of the corporation, they had funds invested on short term investments and were not borrowing money from anyone. But things change from month to month as projects progress. As I stated before, money is being supplied through that ministry by the government through my estimates.

AID TO FLOOD VICTIMS

Mr. S. Smith: A question for the Premier, if I might: Does the Premier have some plan on behalf of the people of Ontario to be of assistance with regard to the present devastation that has occurred in the Indian sub-continent, in India in particular—the flooding

after the cyclone and so on? Can this Legislature and this province be of some assistance to the people of India at the time of this very grave devastation?

Hon. Mr. Davis: Mr. Speaker, there aren't any immediate plans. We have as a government, as the Leader of the Opposition knows, involved ourselves in the very unfortunate earthquake situation in Friuli some few months ago. I think that we also were involved, going by memory now, when there was a situation in Florence. We have not really expanded these policies to include every geographic area in the world. I don't minimize the devastation; the difficulty that has been created in that country, but the government has not at this moment considered any plans of financial help.

I think it is true also, and I'm going by memory again, there have been other situations where we've had a certain surplus of some agricultural commodities which, I think the province has provided through the Red Cross. There may be a situation here that could be explored, but I can't commit the government until I get some further understanding from those who might have some responsibility.

Mr. di Santo: Supplementary, Mr. Speaker: Should any request come from the Red Cross or any other international body, would this government be prepared to help those people who are in particular need, regardless of the present circumstances?

Hon. Mr. Davis: Mr. Speaker, I just referred to the Red Cross. I'm going completely from memory, but I think the Red Cross has made representation to us in other situations and if it has been possible for us we have met some of those requests. I would expect that if the Red Cross made some requests of us, if we were in a position to be of assistance quite obviously we would try. But I don't know that any such request has been received.

OIL TAX

Mr. Lewis: A question to the Premier initially: Can the Premier comment on the possible impact for Ontario of the Supreme Court decision disallowing the imposition of certain taxes and royalties by the province of Saskatchewan on the oil industry, particularly since the province of Ontario intervened at those hearings in support of Saskatchewan and the assertion of the provincial constitutional right?

Hon. Mr. Davis: Mr. Speaker, I can't tell the leader of the New Democratic Party in any legal sense. I can recall some very brief

discussions with the Premier of Saskatchewan as to what might emerge, depending on the results of that decision. I will ask the Attorney General (Mr. McMurtry) to convey to the House what would probably be a much better opinion than any that I might personally express.

Mr. Reid: He's zero for three. You might as well take a chance.

Hon. Mr. Davis: Oh, I'm no gambler when it comes to matters of this kind, but I will consult with the Attorney General and get an opinion for the leader of the NDP.

Mr. Lewis: May I ask, by way of supplementary, does the Premier know from the conversations he has had whether it places any existing resource tax policy in jeopardy?

Hon. Mr. Davis: I want to be very cautious. I don't believe so, but I would like really the indulgence of the hon. member—and I know he recognizes how complicated it is—that it doesn't create a problem for us in the sense of any of our tax policies. I don't believe it does, but we will make sure and we will inform the House.

NURSING HOMES

Mr. Lewis: A question of the Minister of Health: May I ask the minister how many prosecutions of nursing homes under the Nursing Home Act have been instituted by his ministry since 1972?

[2:30]

Hon. Mr. Timbrell: I'd have to get those figures. I gave some figures to the estimates committee yesterday indicating that there were 10 licence revocations since 1972; I don't recall the figure for prosecutions off hand but I'll get them for the hon. member.

Mr. Lewis: If I might ask a further question if the minister is getting the information. Can he indicate to the Legislature at that time how many prosecutions over violations of the Act there should have been, or might have been, based on the reports of his various inspectors as they inspected a number of nursing homes in Ontario? Is it true that, in fact, he has not proceeded very vigorously to implement the recommendations of a number of inspectors of nursing homes?

Hon. Mr. Timbrell: No, I don't believe that's true, Mr. Speaker. If one was to pull out the various reports for 1972, there are different inspectors there now. There is a different director of the branch. There is a different minister. We might reach a different conclusion than did those who were in the positions of responsibility at that time. But, certainly, I'm not aware of any such

decision, certainly not during my time, nor in the time before me.

Mr. Warner: Is it not true that there are inspection reports on file indicating that a violation of the Act had occurred by unlicensed nurses giving medication; that the same report also contained a recommendation for prosecution; and that those recommendations were never acted upon to date and those reports are still in the minister's custody?

Second, when will the minister release those reports and the others which we so desperately need in order to get to the bottom of this problem?

Hon. Mr. Timbrell: Mr. Speaker, if the hon. member would care to be specific in connection with the home or homes on which he thinks such a report or reports exist, I'll check that out. I'm certainly not aware of any such reports.

RADAR WARNING DEVICES

Mr. Roy: I ask this question of the Minister of Transportation and Communications in relation to amendments to the Highway Traffic Act. Why is he waiting to bring in amendments to the Highway Traffic Act pertaining to the outlawing of devices which are used to circumvent the police traps or radar equipment—the so-called Fuzzbusters? How long is he going to tolerate this in this province whereby instruments are sold which are clearly intended to contravene the law?

Hon. Mr. Snow: Not very long, Mr. Speaker.

Mr. Roy: A supplementary: In view of the fact that the minister has tolerated this for three or four years and that his colleague, the Solicitor General (Mr. MacBeth), said some time ago that he's considering legislation, what is he waiting for? Is there any relationship between the people who happen to sell these instruments, who are good Tories, and his apparent lack of haste in outlawing these instruments?

Hon. Mr. Snow: Mr. Speaker, I don't think there's any connection there whatsoever.

Mr. Foulds: There's no such thing as a good Tory.

Hon. Mr. Snow: My colleague the Solicitor General made a statement some time ago that he would be bringing in legislation that would outlaw these gadgets. I fully support that position and I expect that he will be doing so in the near future.

WHITBY PSYCHIATRIC HOSPITAL

Mr. Breaugh: Mr. Speaker, I'd like to ask a question of the Minister of Health. Yesterday at a picket line at Whitby Psychiatric Hospital protesting the cutbacks some allegations were made to me in the absence of the member for Durham West (Mr. Ashe) that under the new Correctional Services program, there were in fact prisoners from Whitby Jail now performing certain duties in, they specified, the laundry room there that had previously been performed by hospital employees. Can he confirm or deny those allegations?

Hon. Mr. Timbrell: No.

Mr. Breaugh: Would he investigate that then? While I'm on my feet, Mr. Speaker, may I take the opportunity to present, again in the absence of the member for Durham West, this petition from those employees to the minister?

RIDEAU REGIONAL CENTRE

Mr. Wiseman: I have a question of the Minister of Community and Social Services. Could the minister tell me if there is any truth to the rumours that are going around my riding regarding Rideau regional hospital school, and the fact that we may be contracting out the laundry, food and cleaning services of that institution—Rideau Regional Centre, Smiths Falls?

Hon. Mr. Norton: Mr. Speaker, I can assure the hon. member that at this point in time there has been no such decision. In fact there is no serious consideration being given to such proposals at this time.

USE OF INFLUENCE

Hon. Mr. McMurtry: Mr. Speaker, in the past week or so, the Leader of the Opposition and other members of the Legislature have asked certain questions relating to Mr. Arthur Armstrong and the possibility of a criminal prosecution. I have requested senior law officers of my ministry to conduct a complete review of this matter and the events relating to it which occurred in April and early May of 1975. I have today received a full report on the legal questions raised in this regard. Rather than take up the time of the House to read the report, I would like to table it and provide copies for the members opposite.

BRADLEY-GEORGETOWN HYDRO CORRIDOR

Mr. Reed: I have a question for the Minister of Energy. Now that the minister has

released his decision authorizing expropriation to proceed on the Bradley-Georgetown corridor, will he tell the House how he justifies three 500 kilovolt lines and two 230 kilovolt lines to run south from Bruce to Milton when the power that is demanded from that station is flowing into northern Ontario?

Hon. J. A. Taylor: Mr. Speaker, I will take that question as notice.

Mr. Reed: Could I have a supplementary to a non-answer, Mr. Speaker?

Mr. Speaker: You can try.

Mr. Foulds: All you get from this minister is non-answers.

Mr. Reed: Is it because the minister does not know the answer, or is it because he really does know the answer but is not prepared to reveal it to the House?

Hon. J. A. Taylor: Mr. Speaker, I said I would take that question as notice and that's precisely what I shall do.

Hon. Mr. Kerr: He knows it's loaded.

Mr. Lewis: If the Minister of Energy had been doing that in the last six weeks, he wouldn't have got into so much trouble.

ELLIOT LAKE URANIUM TAILINGS

Mr. Gaunt: Mr. Speaker, I have a question for the Minister of the Environment. Can the minister assure the House that the uranium tailings called pyrites, which when oxidized release sulphuric acid, are not causing an environmental problem in Elliot Lake?

Hon. Mr. Kerr: Mr. Speaker, as the hon. member knows there are hearings going on at Elliot Lake at the present time and both old and existing tailing areas are part of a control order that has been issued by my ministry. I would assume the retention of those tailings are done in a way that is safe and won't affect the surrounding waters—for example, Serpent River or Whiskey Lake.

Mr. Gaunt: Supplementary: Have the ministry officials been monitoring that situation on a regular basis?

Hon. Mr. Kerr: Yes, Mr. Speaker. Monitoring would occur as a result of a control order. I will have to get the information in respect to the hon. member's question, but there has been continuous monitoring.

Mr. Wildman: Supplementary: Is the minister aware of the complaints of the Serpent River band that they have not received adequate assistance in providing good water as a result of the pollution in Serpent River?

Hon. Mr. Kerr: As the hon. member knows, that reservation is under the jurisdiction of the federal government. I understand that the federal government has undertaken to dig wells in one or two places where there has been a problem of radiation—at radon 226 levels, I believe. I might also say that there's a difference in criteria between the province and the federal government that is causing problems. But I understand that the wells, as far as we are concerned—and our level is lower—are safe.

Mr. Wildman: A further supplementary: What attempts are being made to resolve that difference between the federal and provincial levels? Is the minister having meetings with the federal officials to resolve that and when does he expect a reply, or a resolution?

Hon. Mr. Kerr: The criteria for arriving at the levels are different. We use the levels that are used for occupational health—for example, for people who are exposed on a 24-hour basis to radiation. The federal government does not do that. It's a matter of resolving the figures, depending on the criteria we use.

ACTIONS OF POLICE AT BURLINGTON

Mr. Deans: I have a question of the Attorney General. Has the Attorney General, either at the behest of the Solicitor General or on his own initiative, requested that an investigation be carried out into the statements made by one Roy Murden, a former police officer with the Halton police force? This man has indicated in a public statement that he had taken part personally in a number of incidents involving brutality over the years that he was on the force, and had done some considerable physical harm to a number of citizens of Burlington. If the minister has not done so, will he?

Hon. Mr. McMurtry: I haven't. I am not aware of the statements that are attributed to the former police officer. I think this is a question that at this point in time should be directed to the Solicitor General.

Mr. Deans: Supplementary: Given that it was directed to the Solicitor General with the request that he broaden the investigation which had been requested by citizens of Burlington into the police force to include those previous incidents, and that to this point there has been no response to that, will the Attorney General on behalf of the public, as the chief law officer of the Crown, direct that an inquiry be undertaken into these particular statements and into the validity of them? This would determine whether or not what has

gone on has been brutalization of citizens by the police in Burlington, which has to be stopped, and whether or not it is a matter of practice.

Hon. Mr. McMurtry: Certainly I will undertake to inquire into the matter myself and to discuss it with the Solicitor General, who I see is absent. He is, I believe, at the opening today of the new Metropolitan Toronto Police College. That is as far as I am prepared to go at this time.

Mr. Deans: I hope they teach them better things there.

HOSPITAL SCANNERS

Mr. Baetz: I have a question of the Minister of Health. In view of the fact that the district health council of Ottawa-Carleton has now endorsed the installation of a full-body capacity scanner for the Ottawa Civic Hospital, may the people of Ottawa and the entire Ottawa Valley now expect an early ministerial approval to install this highly valuable equipment?

Mr. Foulds: No, no. It's taken Thunder Bay a year and a half.

Mr. Breaugh: Two bucks says he won't say no.

Hon. Mr. Timbrell: What odds are you giving?

Mr. Foulds: Ten to one—on a dime.

Hon. Mr. Timbrell: I understand that the district health council did meet early this week to consider priorities for the region of Ottawa-Carleton and that is one which they have either placed at the head of the list or certainly among the top priorities.

I haven't received from the council a formal indication of what those priorities are. I can assure the member, and through him the people of the Ottawa-Carleton region, that I will give it serious consideration in evaluating approvals for new programs for the coming year.

Mr. Makarchuk: Supplementary: Could the minister, while he is examining the whole procedure for purchasing the body scanners, also look into the request from the Toronto General Hospital for the same piece of equipment?

Hon. Mr. Timbrell: The hon. member knows the TGH already has a scanner—but not of the same kind, I agree. They already have a head scanner.

Mr. Makarchuk: But that's different.

Hon. Mr. Timbrell: I know it's different, I know. But the hon. member and the members of the House should realize that we already

have in place or approved in Ontario more scanners than the whole of the rest of the Dominion. While it may seem to some that we are perhaps proceeding slowly and cautiously, I think it is the prudent manner in which to approach the allocation of machinery which is only four or five years old at the most, is into about the fourth generation of technology, and the cost of which is anywhere from \$600,000 to \$750,000 for each machine, with operating costs of about \$250,000 a year. I think it behoves us to move cautiously and prudently in allocating such machinery.

Mr. Foulds: Final supplementary: While we're on this matter of scanners, has the minister sorted out the difficulties between Port Arthur General Hospital and the McKellar General Hospital and the Thunder Bay district health council with regard to the location of the scanner in Thunder Bay? If so, when will the minister be making the announcement of the commitment to locate one there, or has he already made that decision?

Hon. Mr. Timbrell: As the hon. member knows, while I have approved the allocation of a scanner for that area—very much with the support and encouragement of the member for Fort William (Mr. Hennessy)—I am relying on the district health council—

Mr. Foulds: And the member for Port Arthur, and the former member for Fort William.

Hon. Mr. Timbrell: With respect, I think I have heard from that member—if we're using ratios—about 10 to one in support of the need for such a facility in that community. I am relying on the district health councils to advise me as to whether it should be attached to the Port Arthur General with the cancer clinic or to the McKellar General Hospital with the neurology unit. I would hope to have that information as soon as possible. Quite frankly, it's taking much longer than I had hoped for.

OGOKI LODGE

Mr. Eakins: To the Minister of Culture and Recreation, Mr. Speaker. Will the minister indicate when Ogoki Wilderness Lodge will commence operations? Has it been determined whether it will ultimately become financially self-sustaining and meet its original objective of employing native people, or will it become another Minaki?

Hon. Mr. Welch: Mr. Speaker, if I can answer the questions in reverse, it certainly has been the subject of a management study. Certainly the emphasis is to be on native

people being employed and I'm very optimistic as to the future prospects of what I think is a pretty worthwhile project.

Mr. Reid: What about Minaki?

Mr. Eakins: Supplementary: Have costs skyrocketed from a 1974 estimate of somewhere around \$300,000 to something now over approximately \$1 million in September, 1977, although it is still not completed and will require substantial modifications? Will the minister table accounting records of funds spent to date by the Indian community secretariat?

Hon. Mr. Welch: There has been some acceleration of costs. My estimates will be before the standing committee on social development starting next Tuesday afternoon and at that time I certainly would be expected, I think, to provide the particulars to which the member has made reference.

Mr. Kerrio: Supplementary: Has the minister received an indication of the expected operating deficit of Ogoki Wilderness Lodge and has it been determined whether his ministry or the Ministry of Agriculture and Food will underwrite such anticipated losses?

Hon. Mr. Welch: I can't speak to the question of that report. I haven't got that information with me but I'd be very glad to have it available for my estimates.

Mr. Breithaupt: Supplementary: Given the fact that the limited company is apparently reluctant to commence operations without a government guarantee of underwriting, can the minister advise us in his estimates—if not now—who he foresees as the potential operators of this operation? Can he tell us also how the recruitment and training programs of native peoples in the Whitewater Lake area have developed and how many native people are expected to be employed?

Hon. Mr. Welch: I will have that available for my estimates.

BRIBERY CASE

Mr. di Santo: I have a question for the Attorney General. In the answer given to me by the Attorney General last Tuesday to my previous question, the Attorney General stated that in the case of Melvin Kurtz, it was "necessary in these cases to refrain from prosecuting one or the other of the giver or receiver in order to have the evidence of one for a successful prosecution."

In the view of the fact that Melvin Kurtz, the briber, admitted to Judge Waisberg that he had received money from Marion Construction, and in view of the fact that the

principal of Marion Construction had stated, as is shown in the report on page 113, that bribery was—

Hon. Mr. Rhodes: Question!

Mr. di Santo: I am coming to the question.

Mr. Foulds: It's coming, it's coming. Don't worry, John.

Mr. di Santo: —acceptable only if it worked, could the Attorney General tell us why was it that the big shots got off the hook and the small fish got charged in this case?

Hon. Mr. McMurtry: With respect, I think I gave quite a complete answer on Tuesday to the member's question in relation to the charges that were laid. I have nothing further to add to the answer I gave at that time.

Mr. di Santo: I have a supplementary.

Mr. Speaker: How could you possibly have a supplementary when he said he has nothing further to add?

Mr. di Santo: Then to the previous question, Mr. Speaker. Can the Attorney General table the names of the people involved in these cases?

Hon. Mr. McMurtry: I repeat what I said a moment ago. I have nothing further to add to my answer given on Tuesday.

HYDRO CONTRACTS

Hon. J. A. Taylor: On Tuesday the Leader of the Opposition questioned the existence of schedules and cost estimates for Bruce heavy water plants which were cited in a letter from Ontario Hydro to Lummus Company of Canada on April 22 last.

Mr. Lewis: It wasn't asked by the Leader of the Opposition. It was asked by Harold Greer.

Mr. Roy: That sounds as if the member is getting jealous of our research.

Hon. Mr. Rhodes: You know what he did to Wintermeyer.

Hon. J. A. Taylor: The Leader of the Opposition asked if these documents did exist, whether I would table them in this House. While it may deter the Leader of the Opposition in his development of a further scenario for television performance, I want to confirm that the schedules and cost estimates do exist.

I am tabling herewith, Mr. Speaker, the following documents: Plant B commissioning schedule, dated April, 1977; master project schedule in regard to plant D, dated April 7, 1977; project cost summary for the period ending May 1, 1977, for plant B; and project cost summary for the period ending May 1,

1977, for plant D. These were the documents referred to and which the Leader of the Opposition doubted did exist.

Mr. Foulds: The minister's explanation is longer than the documents.

Hon. J. A. Taylor: I am pleased to table two further documents which he did not request, but which are germane to his question. These further documents are a project cost summary for period ending October 30, 1977, for plant B and a project cost summary for period ending October 30, 1977, for plant D.

If the Leader of the Opposition will compare the cost summaries he will find that the overrun on plants B and D have been kept on target—indeed, the overrun totals have been slightly reduced in the April through October period. This is verification that the Lummus Company has been meeting the cost targets on which Ontario Hydro conditioned the continuance of Lummus work after April 13 of this year.

Further, I would draw the attention of the Leader of the Opposition to the grand total figures. As of October 30, 1977, it is predicted that Lummus work on plant B will run approximately \$82.3 million more than the original cost estimate set in 1975, when allowance is made for some \$9.4 million in approved extras. Further, and in the same manner, the documentation shows that Lummus overrun on plant D will approximate \$62.3 million over the 1975 cost estimate, when approximately \$4 million in approved extras are allowed for.

Mr. Deans: Is that over or under the target?

Hon. J. A. Taylor: In short, the Lummus project cost summaries show that the overrun on Bruce heavy water plants B and D will total approximately \$143.6 million on original estimates totalling \$703,808,000.

Mr. Deans: That is like the Treasurer's budget. His budgetary overrun is right on target.

Mr. Riddell: What's a million dollars.

Hon. J. A. Taylor: This represents an escalation of 20.4 per cent, exclusive of \$13 million in approved extras which, in fact, would add another two per cent.

Mr. Roy: You seem to be proud of that.

Mr. Foulds: What are these extras?

Hon. J. A. Taylor: And further, I would like to assure the Leader of the Opposition that I would be pleased to explain the significance, purpose and role of the Bruce heavy water plants in Ontario's energy future.

Mr. Roy: When?

Hon. J. A. Taylor: The chairman of Hydro would be pleased to explain the details of the construction contracts to him, if the leader wishes to pursue the matter in the select committee at its forthcoming session.

Indeed, I would hope that the Leader of the Opposition would pursue in meaningful discussion before the select committee the many matters which he has discussed with such abandon and inaccuracy with the mass media during the past six weeks.

Mr. S. Smith: A supplementary to this response: Would the minister kindly put before himself the project cost summary, May 1, 1977, for B, and the project cost summary, October 3, 1977, for B? In so doing, would he kindly look at the overrun for material subcontract, labour and construction and recognize that they have gone up from approximately \$117 million to \$123 million, and that the reason the total at the very bottom of the page has stayed the same is that the portion marked "contingency" has apparently developed a positive balance of approximately \$6 million? What kind of contingency fund is it that runs up a sudden finding of \$6 million between May and October to make up for actual cost overruns in the field? Wasn't it padded in the first place?

Mr. Nixon: Just a little tin box he keeps there with petty cash in it.

Hon. J. A. Taylor: I'll take that observation as a statement on the part of the Leader of the Opposition.

Mr. Epp: Supplementary, Mr. Speaker. I would like to ask the minister how he can reconcile an overrun being on target?

Hon. J. A. Taylor: Mr. Speaker, I have tabled this additional information and I—

Mr. Nixon: Stand by it, come what may.

Hon. J. A. Taylor: As I have mentioned, I would invite all members to pursue this as thoroughly as they know how. I think that if the member would think a moment, he will understand that estimates were made some years ago in connection with the total cost of completion.

Mr. Roy: Why don't you plead the fifth amendment?

Hon. J. A. Taylor: It's very difficult to predict over a number of years precisely what your labour costs will be because, for example—

Mr. Foulds: It is only two years.

Hon. J. A. Taylor: —they do depend on negotiations and settlements—

Mr. Mancini: Plead insanity.

Hon. J. A. Taylor: —and there are factors such as that which, of course, cannot be predicted with a firmness that might be expected here. But I think the member will realize that it is a matter of the ongoing monitoring process that tries to update whether the predictions are onstream or not, and whether they fall short or, in fact, overrun those that were anticipated earlier.

Ms. Gigantes: Supplementary, Mr. Speaker: I would like to ask the minister if he would care to table the schedules that he speaks of for the year 1975? Those are the relevant ones, surely.

Hon. J. A. Taylor: Mr. Speaker, as I have indicated consistently over the past six weeks or so, I am delighted to table whatever information you wish.

Mr. Wildman: You are consistently delighted and we are consistently bewildered.

Hon. J. A. Taylor: I invite and continue to invite all members to let me know what they want in connection with these contracts and I would be delighted to see that they have it.

Ms. Gigantes: We would like that.

Mr. Roy: You sound more like a delivery boy than a minister.

Hon. J. A. Taylor: You sound like an ignoramus, and not only that, but you are accomplishing that image.

Mr. Roy: Will you bring me some papers tomorrow?

[3:00]

RICHMOND HILL GO TRANSIT SERVICE

Mr. Williams: With regard to the proposed Richmond Hill-Union Station GO Transit rail line, I have a three-part question for the Minister of Transportation and Communications:

First, could he indicate if in fact the scheduled opening for the spring of 1978 is indeed on schedule?

Second, could he indicate if any decision has been made by him with regard to the proposed rate increases to meet and offset increased operating costs as reported in the November 15 newsletter of the Toronto Area Transit Operating Authority?

Third, in that same document there is reference to the fact there is some difficulty being experienced with regard to renegotiating the GO Transit rail operating agreement with the CNR. I would like to know—

Mr. Speaker: Order, in the essence of saving time your third whereas wasn't a question.

Mr. Williams: —what progress is being made with regard to negotiating that agreement?

Mr. Lewis: You have a lot of audacity accusing us of interjection. Accuse us of indulgence.

Hon. Mr. Snow: Mr. Speaker, I'll try and recall all those questions. First of all, the infrastructure contracts for the track improvement and the station construction for the Richmond Hill line are in progress, on schedule and will be completed this winter. We do expect to implement the rail commuter service on the Richmond Hill line in the spring of 1978. It probably would be ready before that if rolling stock was available, but the new double-decker cars have to arrive to replace the single-decker cars. That will take place early in the new year.

With regard to the GO Transit fares, the Toronto Area Transit Operating Authority have made a recommendation for increased fares, but that has not been put before cabinet or approved yet.

In answer to the third question, the CNR contract is not finalized at this time.

OGOKI LODGE

Mr. Riddell: A question of the Minister of Agriculture and Food—I'm tempted to ask the minister what my chances are of being selected for the Agriculture Hall of Fame, but I won't do that.

Hon. B. Stephenson: Not good.

Mr. Foulds: Ask him what his chances are.

Mr. Riddell: I would like to ask the minister a question pertaining to Ogoki Wilderness Lodge. Has the minister received the audit of all funds expended on the Ogoki Wilderness Lodge for development and construction as prepared by the audit services branch of his ministry?

Hon. W. Newman: Mr. Speaker, that question should be redirected to the minister in charge of the Indian community secretariat which is now looking after that work.

Mr. Eakins: Oh no, it's through ARDA.

Mr. S. Smith: Through ARDA.

Hon. W. Newman: Oh, that's right. Are you talking about the audit?

Mr. Riddell: Yes.

Hon. W. Newman: The audit is being done by them, not by me.

Mr. Riddell: Supplementary, Mr. Speaker: Is it true that substantial ARDA funds were provided for the project and will the minister table a detailed audit?

Hon. W. Newman: Mr. Speaker, as far as the total cost of the project is concerned, 92 per cent of the costs were paid by the government of Canada.

Mr. Eakins: What about your participation?

Mr. Roy: What's yours?

Hon. W. Newman: About eight per cent.

AUTOMOBILE PURCHASES

Ms. Bryden: Mr. Speaker, I have a question for the Minister of Transportation and Communications. On October 20, the minister tabled a reply to a question relating to the purchase of automobiles for ministers and deputy ministers—which, incidentally, showed one purchase was \$9,749.

Mr. Roy: Who would that be?

Ms. Bryden: Is the minister considering revising the request-to-purchase form, which he also tabled, so as to restrict automobile purchases to energy saving models, compact and small models—

Mr. Roy: Hey, the Minister of Industry and Tourism should listen to this.

Ms. Bryden: —and to limit the number of options which the government will pay for in this time of restraint?

Hon. Mr. Snow: Mr. Speaker, any change in such standards would be by way of a change in the manual of administration from the Management Board, and whatever the manual of administration would set down would be our guideline for purchasing.

Ms. Bryden: May I then ask the Chairman of Management Board is he planning to revise this request-to-purchase form in order to bring in a restriction on the gas guzzlers?

Hon. Mr. Auld: We're always looking at the items in the manual of administration.

Mr. Lewis: A Volkswagen is good enough for my successor.

Hon. B. Stephenson: Volkswagens are not manufactured in Canada.

Mr. Wildman: Supplementary: Would the Chairman of Management Board be prepared to arbitrate between the Minister of Education (Mr. Wells) and the Minister of Industry and Tourism (Mr. Bennett) so that we could lower the cost somehow for the Minister of Industry and Tourism on the same car as the Minister of Education purchased?

Hon. Mr. Bennett: It has better resale value.

Hon. Mr. Auld: No, Mr. Speaker.

HOME IMPROVEMENT CONTRACTORS

Mr. B. Newman: I have a question of the Minister of Consumer and Commercial Relations. In the light of numerous complaints in many municipalities concerning shoddy workmanship and non-completion of work in the construction industry, is the minister considering bonding and registration of all home improvement contractors as itinerant sellers under the Consumer Protection Act?

Hon. Mr. Grossman: Under the Act, a lot of itinerant sellers are required to register. The problem has always been the ability to find them, to police the Act and follow it through.

It's an area that causes us some concern. We're currently reviewing it, though we are not about to report back next week, to see just where we go in the area in terms of an effective system. We don't want to go with a system which requires registration if it's going to be meaningless.

We'd be happy to receive any suggestions the member may have with regard to a meaningful way to look after that problem.

PIPE PRODUCTION

Mr. Swart: I'd like to direct a question to the Minister of Industry and Tourism. Does the minister still hold to his recent damaging statement that, and I quote, "Some of the technology is not in place in the Ontario pipe industry," and that Ontario companies therefore may not be able to supply the pipe for the proposed Alaska Highway pipeline?

Hon. Mr. Bennett: You will recall, Mr. Speaker, back a week or so ago when the question was asked, I was very clear in saying that some of the technology was not in place in this country at this time.

Mr. Wildman: But isn't Algoma getting it ready?

Hon. Mr. Bennett: Just one second. It was clearly indicated by the president of Stelco and several other companies that they concurred with that very observation, but they also said, exactly as I said in this House, that it could be brought into production. The system could be implemented in the Canadian system in a relatively short period of time but it is not here at the moment.

The other point I raised was about the lack of technology and understanding, both in Canada and the United States, of a high-pressure system to carry the product that is being designed to be carried in the pipeline. That has not been carried out. That is why Mr. Horner and the federal government have

been negotiating for the larger pipe with a reduced pressure factor.

Mr. Swart: Supplementary: Does the minister know that Peter Gordon, the chairman and chief executive officer of Stelco, expressed concern at a press conference in Welland yesterday about persons falsely stating that the pipe couldn't be produced there. He said, and I quote, "We can produce pipe that no other company in North America can produce. There is no question that we can meet the requirements for the transmission of frontier gas." Does the minister dispute his statement?

Hon. B. Stephenson: That's exactly what the minister said.

Hon. Mr. Bennett: I think Mr. Gordon is stating a fact in relationship to certain specifications that could very well be brought in.

Mr. Swart: No, he is not. He made that clear.

Mr. Wildman: Resign.

Mr. Warner: Is that a misunderstanding?

Hon. Mr. Bennett: I don't know whether it's a misunderstanding or not. I want to make it very clear here.

Mr. Speaker: Please ignore the interjections.

Hon. Mr. Bennett: There is some relevance to the interjections because it would be best to clear up their lack of understanding.

Mr. Swart: Read his statement.

Hon. Mr. Bennett: Very clearly, and it's been a known fact—

Mr. Foulds: You are in trouble on this one.

Mr. Germa: Go back to insurance.

Mr. Speaker: I ask the minister to ignore the interjections and answer the question.

Hon. Mr. Bennett: In reply to the question, I say again the fact remains from the federal point of view, and from our point of view and in discussions with Stelco, including Mr. Gordon, the possibilities of the high-pressure pipe have been reviewed. It is not a system they are prepared to undertake at this time because of the lack of technology and experience.

The other pipe system, which has been discussed very thoroughly with Mr. Horner and others, is the one that we feel that Canadians, generally speaking, are capable of producing.

Mr. Swart: Check with the union and read his statement yesterday.

Mr. Warner: Check it out with your barber and then resign.

Hon. Mr. Rhodes: I think the hon. member opposite has been on the pipe too long.

Hon. B. Stephenson: Beyond the pipe.

Mr. Kerrio: Is the minister aware of the fact that the large lobbies in the US are attempting to get the pipe specification changed, to disadvantage us in Canada and to have a better chance of landing the total contract?

Hon. Mr. Bennett: Mr. Speaker, as the Premier said the other day in response to a similar question, it would be unbelievable for us as Canadians to sit here and believe the Americans and their steel industry, which is depressed at the moment, would not be out trying to secure orders in this Canadian market or anywhere else in the world.

The fact remains that we have been as competitive, from a Canadian point of view, as anyone. We've had discussions and committees established, both federally and provincially, to review the essential requirements of the six companies that will install the pipeline here in the Canadian portion of the contract.

Mr. Kerrio: How about Alberta?

Hon. Mr. Bennett: There's also the possibility, and we may as well be honest with that, that the Alberta firm as well will be out trying to seek a portion of the supply of pipe for the system.

Mr. Martel: Run them across Canada.

Hon. Mr. Bennett: We have had assurance from people with the Foothills Pipeline organization, both publicly and in discussion with them federally and provincially, that we in Canada will be given the opportunity of quoting and participating and likely supplying a very substantial portion of the equipment needed, including pipe, valves and other portions of the pipeline requirement. We'll be able to tender on it.

I think it would be unrealistic to believe that the Canadians are going to be given a carte blanche position in quoting; they have said, "If they were competitive." We have that position. We'll keep a very close eye on what happens with other countries in their bids in the pipeline system.

The member for Niagara Falls has said once before in my estimates something about subsidies coming through special tariff programs or give-away programs of the US government. We will monitor those to make sure that they do not become applicable in the quoting system in pipe for this pipeline.

GARFELLA INVESTMENTS

Hon. Mr. McMurtry: Mr. Speaker, this is in response to a question from the member for Etobicoke in relation to the operations

of a certain firm known as Garfella Investments.

I've had the material submitted to me reviewed extensively; it was submitted to me by the member for Etobicoke, and it was reviewed extensively by law officers of the Crown. It appears that at the present time there is no breach of the Landlord and Tenant Act as the tenants have been advised that their respective tenancies will not be disturbed.

However, the scheme in question is being used as an alternative to the Condominium Act for the sale of residential accommodation. Law officers from my ministry, the Ministry of Housing and the Ministry of Consumer and Commercial Relations have made a tentative suggestion that the Condominium Act be amended to ensure that such sales are made in accordance with that Act.

Mr. Philip: The minister's announcement is very much appreciated.

I have a supplementary: I wonder if the minister is aware that two employees of N.S. Mitro Real Estate, namely a Mrs. Holden—I don't have the first name—and also an Alice Constantino are advising purchasers of the shares in this building that they can evict the tenants on 90 days' notice following the purchase of shares in that particular building? Would the minister look into the possibility that this real estate firm is violating the Combines Act by way of misrepresenting what they're selling to the potential purchasers of shares?

Hon. Mr. McMurtry: If the facts support the information that the hon. member has, it would also appear to be a matter of encouraging a breach of the Landlord and Tenant Act, because in my understanding of the legislation it would be impossible to legally evict individuals on that basis. If the hon. member could provide us with as much information as he can on this, we'd be happy to pursue that aspect of the matter further.

Mr. Philip: I will be providing the minister with affidavits tomorrow, then.

Mr. Foulds: I wonder if the minister can tell us how soon we can expect that amendment to the Condominium Act, inasmuch as it was promised last January by the then parliamentary assistant to the Minister of Consumer and Commercial Relations with regard to a similar situation with Waverley Park Towers in Thunder Bay?

[3:15]

Hon. Mr. McMurtry: I have no knowledge of that particular matter but I would think that the Minister of Consumer and Commer-

cial Relations might be asked. He is well aware of the situation and I think the question as to when such an amendment is likely to be introduced should be more properly directed to him.

USE OF INFLUENCE

Mr. S. Smith: A question for the Attorney General, following his tabling of a previous response on the Armstrong matter: Can the Attorney General tell the House whether the opinions which his law officers have formulated in this instance were formulated with or without the benefit of having heard certain tape recordings of a conversation between the counsel for the Mississauga inquiry and a Mr. Armstrong? Was this opinion formulated with or without the benefit of having heard that particular piece of evidence?

Hon. Mr. McMurtry: I am afraid, Mr. Speaker, I am unable to answer that question. I think it's likely that the opinion was formulated without that information, but I can't be certain of that. I just don't know at this point in time.

Mr. S. Smith: A supplementary, if I might. I realize we are running out of time and you are kind to allow me to do this, Mr. Speaker. When the Attorney General is getting this information, would he also undertake to table in this House the OMB file on the Jan Davies application in question and also any correspondence between the hon. Treasurer (Mr. McKeough) and Mr. Armstrong pertaining to the entire matter in question?

Hon. Mr. McMurtry: I would have to ascertain just what is available from the OMB. I think the matter of the correspondence involving the Treasurer was handed over to the Ontario Provincial Police and that may well be available. But I would like to ascertain that first before making any undertaking.

Mr. Roy: Supplementary?

Mr. Speaker: We only have time for one more question and in fairness I think we should recognize the hon. member for Carleton East.

BRITISH AMERICAN BANK NOTE COMPANY

Ms. Gigantes: A question for the Minister of Labour: In connection with the strike going on in Ottawa at the British American Bank Note Company by the Ottawa Steel Plate Examiners Union, will the minister

personally initiate action or have action initiated by officials of her ministry, so that the management will drop its position that it's normal for women to be paid less than men for work done by women which is of a similar and/or more skilled nature than men are doing in the same firm?

Hon. B. Stephenson: Mr. Speaker, if indeed that is the position of the British American Bank Note Company, it is in contravention of the equal pay law in the province of Ontario. That law states that in any establishment where work of similar nature or equal nature is done by men and women, the rates of pay will be the same.

REPORTS

MINISTRY OF THE ENVIRONMENT

Hon. Mr. Kerr presented the annual report of the Ministry of the Environment for the fiscal year beginning April 1, 1976, and ending March 31, 1977.

STANDING ADMINISTRATION OF JUSTICE COMMITTEE

Mr. Philip from the standing administration of justice committee presented the committee's report which was read as follows and adopted:

Your committee begs to report the following bill without amendment:

Bill Pr2, An Act respecting the Township of Dover.

Your committee begs to report the following bills with certain amendments:

Bill Pr28, An Act respecting the City of Hamilton.

Bill Pr30, An Act respecting the City of Chatham.

STANDING GENERAL GOVERNMENT COMMITTEE

Mr. Gaunt from the standing general government committee reported the following resolution:

Resolved: That supply in the following amounts to defray the expenses of the Office of the Lieutenant Governor be granted Her Majesty for the fiscal year ending March 31, 1978:

Office of the Lieutenant Governor program	100,000
---	---------

Further resolved: That supply in the following amount to defray the expenses of the Office of the Premier be granted Her Majesty for the fiscal year ending March 31, 1978:

Office of the Premier program .. \$1,478,000

Further resolved: That supply in the following amount to defray the expenses of the Cabinet Office be granted Her Majesty for the fiscal year ending March 31, 1978:

Cabinet Office program \$1,077,000

MOTIONS

TRANSFER OF ESTIMATES

Hon. Mr. Welch moved that the estimates of the Ministry of Transportation and Communications be transferred from the standing resources development committee to the standing general government committee for consideration not to exceed 25 hours;

And that the following estimates be transferred from the committee of supply to the standing administration of justice committee, namely: Ministry of Correctional Services, not to exceed 12 hours; Justice policy secretariat, not to exceed 10 hours;

And further, that the supplementary estimates for the Ministry of Culture and Recreation be referred to the standing social development committee for consideration within the time already allotted for that ministry.

Motion agreed to.

SELECT COMMITTEE ON HYDRO NUCLEAR PLANT CONSTRUCTION PROGRAM

Hon. Mr. Welch moved that a select committee of the Legislature be appointed:

First, to inquire into the cost of construction of the two heavy water plants being built by Ontario Hydro at the Bruce nuclear power development and to report to the Legislature on all factors affecting cost, such examination to include but not be limited to:

(a) The requirements for heavy water, the original estimates of the cost of the plants and the contracts signed with the Lummus Company of Canada for the construction of the plants, and the conditions placed on the contracts for Canadian content;

(b) The change in the scope of the work required due to changes in plant design after the original estimates were completed;

(c) The effect on the total cost of the plants and their construction schedule due to the cancellation of the fourth plant known as plant C;

(d) The factors affecting any additional costs incurred by the contractor and Hydro for the supply of major equipment, structural components or other supply items;

(e) The factors affecting escalation of sub-contracts placed by the contractor or Hydro

for work related to the construction of the plants;

(f) The factors affecting labour costs for construction of the plants including escalation of labour rates, work stoppages, union jurisdictional disputes, and the shortage of any labour skills required for construction;

(g) The effect of interest rates and foreign exchange rates on the overall costs of construction;

(h) The administration of the contract by Hydro and the control methods used to monitor and minimize the costs;

and to prepare and submit a report for the Legislature upon the conclusion of this inquiry.

Second, to review the implementation of the recommendations of the select committee of the 30th Parliament which examined Ontario Hydro's proposals for both power rate increases for 1976, such review to include consideration of Ontario Hydro's status reports tabled by the Ministry of Energy.

Third, to examine Ontario's nuclear commitment, taking into account the report and recommendations of the royal commission on electrical power planning and Ontario's energy future, such examination to include but not be limited to:

(a) Ontario Hydro's system planning strategy for adopting nuclear power, and in particular:

Large versus small generating stations, remote stations versus sites close to urban areas;

the ratio of nuclear-fueled generating stations that should be built in comparison to fossil-fueled stations, keeping in mind security of supply and cost differentials;

(b) The economics of nuclear power versus generation from other primary fuels;

(c) The performance and reliability of nuclear generating stations;

(d) The responsibility for and the standards relative to the safety of nuclear generating stations;

(e) Environmental impact and health considerations related to nuclear power.

And that the select committee may prepare and submit interim reports for the Legislature and shall prepare and submit a final report before the end of December 1978, and that the select committee may request such coverage of its proceedings by Hansard and the printing of such papers as the committee deems appropriate; and the committee shall have authority to sit during the interval between sessions and have full power and authority to employ counsel and such other personnel as may be deemed advisable and to call for persons, papers and things, and

to examine witnesses under oath and the assembly doth command and compel attendance before the said select committee of such persons and the production of such papers and things as the committee may deem necessary for any of its proceedings and deliberations, for which the Honourable Speaker may issue his warrant or warrants; and the committee shall be composed of 14 members as follows: Messrs. MacDonald, chairman; Ashe, Foulds, Ms. Gigantes, Haggerty, Handleman, Jones, Kerrio, Lane, Leluk, Nixon, Reed, Samis, Williams.

Mr. MacDonald: May I just give notice to members of the committee, to show this is a rather urgent matter, they will be meeting at 6 o'clock tonight in committee room No. 2, with a buffet supper.

Mr. Breithaupt: That is indeed organization.

Mr. Lewis: If it had been a Liberal chairman it would be at La Scala.

Mr. Breithaupt: If it were a Liberal chairman it would be down in the dining room.

Mr. Speaker, we congratulate the government House leader for bringing forward what we see as a very involved and general set of terms that should be easily attended to. There was only one point I wish to raise, and that is with respect to the management, handling and disposal of nuclear waste. I just want the assurance of the government, House leader that, either with respect to that last item (d) in the third part, concerning safety of generating stations, or in the final area of environmental impact and health considerations, there will be an acknowledgement that that subject likely could be seen to be included.

Hon. Mr. Welch: I feel, Mr. Speaker, that the committee could decide on that.

Motion agreed to.

BRIBERY CASE

Mr. di Santo: Mr. Speaker, I'd like to give notice that I was not satisfied with the disappointing answer of the Attorney General (Mr. McMurtry) and I'd like to debate it tonight.

OHIP OFFICE CLOSURE

Mr. Speaker: Pursuant to standing order 28, the member for Windsor-Riverside (Mr. Cooke) filed the necessary notice to raise a matter at the adjournment of the House. The question was addressed to the Minister of Health (Mr. Timbrell) on November 15, and with the agreement of both parties the debate

was stayed until today, which is November 24. This matter will be debated this evening at 10:30 p.m., along with the matter raised just now by the member for Downsview, who is dissatisfied with the answer given to him by the Attorney General. So those two will be debated on the late show this evening.

INTRODUCTION OF BILLS

PLANNING AMENDMENT ACT

Hon. Mr. Rhodes moved first reading of Bill 110, An Act to amend the Planning Act.

Motion agreed to.

Hon. Mr. Rhodes: Mr. Speaker, the three amendments to the Planning Act which are placed before you today have the objective of speeding up the approval system under the Act while increasing the importance of locally made decisions concerning development proposals.

The first amendment concerns local municipal zoning by-laws. The amendment removes the threat of legal challenges as to the conformity of zoning bylaws which have been advertised according to regulations, received no objections and come into force without the approval of the Ontario Municipal Board.

My ministry will shortly issue the required regulations which will be based largely upon the current rules of procedure of the Ontario Municipal Board.

The second amendment provides a means of removing frivolous appeals to the Ontario Municipal Board on consent and minor zoning variance decisions of local committees.

The third amendment concerns appeals to cabinet over local decisions on consents and minor zoning variances.

It is my view these three amendments will significantly improve the planning process and will speed up the process in the province.

[3:30]

ANSWERS TO WRITTEN QUESTIONS

Hon. Mr. Welch: Before the orders of the day, I wish to table answers to questions 37, 39 and 40 standing on the order paper. (See appendix, page 2224.)

We will be calling the ninth order, Mr. Speaker, and when doing so, may I indicate to you, and through you to the House, that the whips have generally arranged the debate on Bill 70 and the reasoned amendment which will no doubt be introduced during the course of that debate in such a way that we plan a division tonight around 10:15 p.m.

Mr. Speaker: With a 30-minute maximum bell?

Hon. Mr. Welch: I suppose if there is to be a bell we had better start ringing it at 10 o'clock. Do the whips agree to that? Of course I suppose that is a maximum bell, we could agree to have a 15-minute bell. I think that is the agreement, that we have a 15-minute bell at 10:15 p.m.

Mr. Breithaupt: Agreed.

ORDERS OF THE DAY

OCCUPATIONAL HEALTH AND SAFETY ACT

Hon. B. Stephenson moved second reading of Bill 70, An Act respecting the Occupational Health and Occupational Safety of Workers.

Mr. O'Neil: Thank you very much, Mr. Speaker. We consider Bill 70 to be one of the most important legislation for working people to be brought before the Legislature in many years.

In the last two years particularly, our leader, the member for Hamilton West (Mr. S. Smith), and the Liberal caucus have consistently challenged the government's inaction in the area of occupational health and safety. We have been pleased to discuss this matter with labour organizations, management groups, industry people and experts in the health field. The Liberals will be suggesting a number of major amendments to strengthen the legislation to better protect every employee in the province. The amendments will not involve the expenditure of additional public funds or endanger the employment of a single worker.

Providing the minister demonstrates a flexible attitude in her remarks on second reading, we will not block the bill at this stage. We feel amending the bill now before us is a more constructive and responsible approach than that suggested by the NDP. In referring to their suggestion that the bill be passed back to the government, we feel it is better we put it before the Legislature now and have it go to committee.

I would first of all like to make some comments regarding coverage. Coverage under Bill 70 continues to be restricted to certain places of employment rather than including all employees. The minister has discretion to include or exclude work places from the legislation at her discretion; I refer members to section 3(1)(e) and section 3(2)(b). Thousands of workers in the province will likely continue to be excluded because of the high degree of ministerial discretion. Hotel and

hospital workers; inside and outside municipal workers; teachers and support staffs in schools, colleges and universities; farm workers; staffs of such provincial institutions as psychiatric hospitals, mental retardation centres and correctional facilities; and workers in medical laboratories—all continue to be excluded by this legislation. Many members of these groups are exposed to hazardous substances such as pesticides and laboratory chemicals, as well as dangerous work practices.

I would like to read into the record, if I may, some of the statistics supplied in a brief presented to our members by the Ontario Public Service Employees Union. Among their members who were excluded from the legislation are: some 9,000 employees of government-run psychiatric hospitals; 4,000 employees of governmental retardation centres; 10,000 employees in Ontario community colleges; and 3,000 employees in Ontario correctional institutions. The only exception to this is the coverage of laundry workers in some facilities under the Industrial Safety Act. All others are in fact excluded from coverage under the Industrial Safety Act because their work places do not fit the definition of a work place covered by the Act.

I would also like to read into the record, if I may, that in the institutions operated by the Ministries of Health and Community and Social Services an equally dismal record exists as to the accident rate. In the St. Lawrence Regional Centre, which employs some 55 OPSEU members. 275 days were lost during the period 1975 to 1977 due to work-related injuries. In the Rideau Regional Centre, Smiths Falls, in 1975, 3,600 days were lost by OPSEU members due to 561 work-related injuries and 238 assault-related injuries. In 1976, a total of 777 incidents occurred, 225 which were assault-related and incidents which resulted in 3,697 days lost by OPSEU members.

In the Kingston Psychiatric Hospital in 1976, 612 days were lost by OPSEU members due to work-related injuries. This year up until March 31, 1977, 401 days were lost due to work-related injuries. We could go on to the Lakeshore Psychiatric Hospital where in 1975 at this facility there were 829.5 days lost by OPSEU members because of work-related injuries. In January, February and March 1976—during those three months—86 work-related injuries occurred, which resulted in 502.5 days being lost by OPSEU members.

This clearly shows that this is one segment of many we mentioned that should be covered. I feel that at the time when this

comes to committee the minister should seriously consider the inclusion of these different sections in the bill.

As I mentioned, coverage for farm workers is excluded under the bill. I know it is difficult to obtain statistics on the extent of work-related farm accidents. The minister herself has stated that accidental death on the approximately 25 per cent of Ontario farms covered by the Workmen's Compensation Board increased from 34 in 1975 to 45 in 1976, while the number of lost-time accidents decreased.

Some American authorities have suggested that farming has the third highest accident rate of any occupation, exceeded only by the mining and construction industry.

While there are clearly occupational health hazards in the agricultural community, we also recognize that special circumstances exist in the agricultural community with respect to weather conditions, seasonal nature of work, long hours during peak periods and machinery and equipment designed and manufactured to different standards for agricultural rather than other uses. For example, we understand that the detailed regulations now in effect for industrial machinery and equipment simply do not exist for the agricultural sector.

We note that the minister promised on January 18, 1977 to appoint an agricultural representative to the advisory council on occupational health and safety. She did not do so until the past few days when Mr. Peter Fisher was belatedly appointed. Almost a year has been lost in this delay.

In their joint briefs to the minister, the Ontario Federation of Agriculture, the Ontario Farm Safety Association and the Ontario Fruit and Vegetable Growers Association generally supported an extension of health and safety legislation to agriculture, provided that it is developed by the Minister of Labour in consultation with the agricultural advisory committee. This is contained in their joint briefs of August 1970, page 2.

We commend these organizations on their enlightened approach and urge the minister to take a more active role in encouraging the development of suitable regulations covering such working conditions as roll-over protection for tractors, guarding and shielding of farm equipment and personal protection equipment. While we realize that it will take some time to develop regulations suitable for the farming community, we feel that the minister should be willing to commit herself this time to a specific timetable for the drafting of such regulations and the protection of agricultural workers by occupational health and safety regulations.

The minister stated in the Legislature on October 18 that dispassionate consideration has convinced the government that expansion of coverage of the legislation would be inappropriate at this time. What more logical time is there to consider the expansion of coverage than in the introduction of supposedly comprehensive legislation on this subject? Surely the minister would be prepared to have the question of expanded coverage either of additional groups of employees or more simply and perhaps preferably, of the inclusion of all employees considered at the committee stage of this bill.

I would also like to say a few words regarding standards for toxic substances. There are absolutely no standards for toxic substances whatsoever set out in the bill. The Lieutenant Governor in Council may make regulations on a wide variety of subjects, including, "Prescribing any biological, chemical or physical agent or combination thereof as a designated substance"; section 39(2)22. I quote again: "Prohibiting, regulating, restricting and limiting or controlling the handling of, exposure to, or the use of, or disposal of designated substances"; section 39(2)23.

I quote again: "adopting by reference any criteria or guide in relation to the exposure of a worker to any biological chemical or physical agent or a combination thereof." But there is no indication whatever in the legislation of what criteria or guidelines are to be adopted.

Many scientific groups have done extensive research into the airborne concentrations of substances and conditions to which workers may be exposed day after day without adverse affects. For example, the American Conference of Governmental Industrial Hygienists, which had a Canadian, Dr. Mastromatteo, as a consultant, has compiled a list of approximately 400 toxic substances and set out exposure standards, both with respect to the average concentration for a 40-hour week and for the maximum exposure permissible for a short-term period. Yet the extensive work of the American conference in establishing threshold limit values for over 400 substances could be entirely ignored by the Minister of Labour.

Hon. B. Stephenson: That's what we use now.

Mr. O'Neil: We feel that the province of Ontario should adopt standards at least as effective as the threshold limit value standards for all substances for which threshold limit values standards have been adopted.

At a very minimum the legislation should set out specifically that in adapting standards dealing with materials or harmful physi-

cal agents the standards should be adopted which most adequately assure to the extent feasible that no employee will suffer material impairment of health or functional capacity, even if such employee has regular exposure to a hazard regulated by such standard for the period of his working life.

How are these standards to be set? Under the proposed legislation entirely at the discretion of the minister behind closed doors. We propose that employees, employers and independent experts should have a voice in establishing these standards. One possible mechanism for establishing standards might be the advisory council on occupational health and occupational safety to be established under section 10 of the bill.

The Minister of Labour named the 16 members, and as I mentioned it is now 17 following the inclusion of a representative for agriculture on this committee on November 14. This advisory council, including representatives of employees and employers, might serve a useful role in setting standards providing that its membership were representative of all employees and employers, non-unionized as well as unionized, and small as well as large employers.

We also notice, in looking over the list of people who have been appointed to this advisory council, that there seemed to be no one representing some of the smaller companies and worker groups. They all seemed to be from larger corporations or larger unions. We wondered if we could have some comments from the minister concerning this.

In a number of other jurisdictions, industrial health and safety standards are set openly by public bodies and we feel the minister should follow this example in Ontario. The legislation sets out a distinction between designated toxic substances, section 39(2)22, and other toxic substances for which the minister suggested in her introductory statement that guidelines be enacted. It is unclear from the legislation what sort of regulations will be enacted with respect to either category of toxic substances.

Perhaps more important is how will these regulations be communicated to workers on the job site. In our view the legislation should require that a notice containing pertinent information on general occupational health and safety legislation and notice of particular harmful substances be made available to every employee. This is done in some of the California legislation on health and safety.

[3:45]

We are concerned that the bill makes no provision for the introduction of a pretesting

program for new substances introduced in the work place which are suspected of being harmful, and we will be proposing amendments to section 15 of the bill accordingly. The federal food and drug directorate provides such protection with respect to food and drugs. We feel that there is no reason that workers should receive less protection.

We understand also that the environmental protection agency in the United States has recently begun a program of pretesting of all substances that find their way into the environment. They are apparently giving priority to these substances with the greatest potential for causing harm, particularly those which may cause cancer. They are utilizing new medical techniques developed by Dr. Ames of the University of California. Surely the government of Ontario could co-operate with other agencies involved in testing new substances, perhaps dividing up the substances to be tested in order that pretesting could be done in an expeditious and efficient manner.

We have had preliminary discussions with representatives of employers' groups as well as employees on this subject. They're naturally concerned about possible production hold-ups and loss of competitive advantages. They are not unilaterally opposed to the concept of pretesting providing that delays are reduced to the minimum possible period.

In our view, this bill is lacking with respect to the involvement of both employers and employees in achieving high standards of health and safety at work. Under Bill 139, the minister was empowered to establish health and safety committees, composed of an equal number of employee and employer representatives, and to appoint worker safety representatives. To our knowledge, the minister has not appointed a single such committee or representative. We feel that such committees are particularly important for non-union employees, who may have no other effective channel of communications with their employer. We feel that the powers of health and safety committees and worker safety representatives are unclear and inadequate as set out in section 7(4) and section 8(5) of the proposed bill. We feel that these groups should have access to both information and training from the occupational health and safety division of the ministry or other sources. Thus there would be more reliance on accurate on-site monitoring and less reliance on inspection from the Ministry of Labour.

In some cases, on-site discussions, inspections and recommendations may not be suffi-

cient. Perhaps there should be some mechanism linking the role of the joint committees and safety representatives with the activities of the ministry. In the event that an employer refuses to accept the recommendations of a joint committee or a safety representative, perhaps an inspection from the Ministry of Labour within a short time, perhaps three days, could be made obligatory.

Also, on the right to refuse work the minister in her introductory statement stated that she was clarifying the right to refuse work. In our view, the new legislation is less satisfactory than the provisions of Bill 139 in this regard. Under the provisions of Bill 139, section 3(1), the employee has the opportunity to refuse work and then report this matter to his employer in the presence of either the health and safety representative, a committee member who represents employees or a representative of the trade union. The important evidentiary and physiological benefit to an employee of discussing this matter of first instance while accompanied by someone else, appears to have been dropped in section 21 of the new bill. We consider this a retrogressive step rather than a clarification.

The rights of an employer to assign another worker to work which another employee has rejected as unsafe, is also left unclear by the section. Should the employer not be required to at least advise the employee of the refusal of previous employee?

Section 21(9)(b) also appears unclear in the extreme and possibly open to employer abuse. It states that during an inspection of an alleged unsafe work place, a worker shall remain at a safe place near his work station unless the employer, "where an assignment of reasonable alternative work is not practicable, gives other directions to the worker." What sort of "other directions" does the minister have in mind? Suppose the worker is told to go home without pay. Is that the sort of "other direction" permitted by the legislation?

Section 21(11) of the proposed bill has caused a great deal of concern to employees of this province, although some employers have argued that the inclusion of this provision marks no substantive change from Bill 139 where the employer had the same rights by implication.

The minister has provided statistics which indicated that the right to refuse unsafe work was exercised in only a relatively small number of cases in the year since the introduction of Bill 139, and in only a small percentage of cases was it exercised without reason.

Secondly, virtually all unionized employers have a management right's clause in their collective agreement which permits them to discharge or discipline employees for just cause. For these reasons, we do not understand any compelling reason for including section 21(11).

The real problem, in our view, exists regardless of the inclusion of section 21(11). It is the inordinate length of time required for the arbitration of discharged cases. With respect to discipline relating to health and safety matters, the problem might be resolved in several ways; by giving the inspector authority to make a preliminary determination of the reasonableness of the employee's refusal, subject to later appeal, or by ensuring that the employee receives a particularly expeditious hearing by the Labour Relations Board.

The problem of delay in the arbitration procedure extends far beyond the health and safety area, as the minister recognized in her appointment last year of an industrial inquiry commission to examine this matter. Unfortunately, the commissioner declined to hold public hearings and nothing has been heard of his progress, if any.

I would also like to make a few comments concerning prevention. In our view, the bill is particularly deficient with respect to means of identifying and preventing industrial health hazards. Section 15(d) contains a provision whereby an employer shall accurately keep and maintain such records of exposure of a worker to biological chemical or physical agents as may be prescribed.

What does the minister have in mind in this regard? Will these records be available to individual workers, health and safety committees and worker representatives? Most importantly, will the information required by regulation be turned over to provincial registry where each worker's entire work history can be followed? Surely, this is absolutely essential for two reasons: One, to enable an individual worker to prevent irreversible damage to his health; and two, to enable medical authorities to identify high-risk substances and working conditions.

I would also like to make some comments concerning education. Several other deficiencies in the legislation render it less effective than it should be. The bill fails to establish the Occupational Health and Safety Research Institute which the Premier announced during the 1975 election campaign. What is going to be done about this? Will we have one?

The province continues to lack an adequate supply of occupational health specialists of

various fields. The minister and her deputy minister have referred, on many occasions, to the lack of industrial hygienists, nurses, safety engineers and other professional and para-professional personnel; yet, what has been done to remedy the situation?

Even today, nurses who wish to specialize in industrial health must receive their certification in the US. Industrial health experts are being sought after in other jurisdictions at a time of high unemployment in Ontario. Once again, Ontario lags behind in this area.

As I mentioned in my opening comments, we will be very interested to hear what the minister has to say in reply to these questions which I have just raised and other questions which will be raised by other members here, and by the other party. As I said, it is our intention that she provide some flexibility in her remarks so that we will vote for second reading and so that this bill may go to committee where it can be discussed. After the committee meetings when some of these things have been revised and, hopefully, most of them included as part of the bill, Ontario will have one of the best occupational health and safety bills in this part of North America. Thank you, Mr. Speaker.

Mr. Laughren: Mr. Speaker. I'm left somewhat puzzled by the remarks of the member for Quinte (Mr. O'Neil), because I'm not sure whether he said that they would support our reasoned amendment or would not support our reasoned amendment or whether he was saying he was going to wait and see how flexible the minister was.

Mr. O'Neil: Mr. Speaker, on a point of order, we will not be supporting the returning of this bill back to the government. We feel that is not the way it should be handled.

Mr. Deputy Speaker: Order, you had your remarks.

Mr. Laughren: Thank you, Mr. Speaker, I did want that clarified. I did not want to unjustly accuse the official opposition of not being willing to put their money where their mouth is.

Most of the remarks by the member for Quinte I would, quite frankly, agree with. His points are well made. However, I would point out to him he's dealt in some detail with the major principles embodied in the bill. To then vote for it is a bit of a contradiction. I would urge him, and not in a provocative kind of way, I would urge him, as seriously as I know how, to think seriously about our reasoned amendment. That reasoned amendment was not put on the order paper in my name for frivolous reasons; that reasoned amendment is put

there in order to strengthen the bill and so we can, as the member for Quinte also concluded, have one of the best occupational health programs of any jurisdiction.

Mr. O'Neil: We can do that in committee.

Mr. Laughren: That is something on which I would agree entirely with the member for Quinte. I am serious when I say the reasoned amendment was designed and worked entirely to do that. There is nothing in our reasoned amendment, Mr. Speaker, which should cause offence to anyone whose primary concern is to improve the occupational health of workers in the province of Ontario.

Mr. O'Neil: We feel there will be too long a delay.

Mr. Laughren: Mr. Speaker, we have waited a long time now and I can tell you that's one reason the reasoned amendment is on the order paper. I can recall very vividly last December when we were debating Bill 139, the father of this or mother of this bill. I can remember proposing a number of amendments in the committee stage and the minister's reaction was slightly short of violence, because she indicated—

Hon. B. Stephenson: I have never been violent.

Mr. Laughren: She was short, only slightly short, of violence.

Hon. B. Stephenson: Not even short of.

Mr. Laughren: Don't be offended by the word "short."

Hon. B. Stephenson: Well, I am.

Mr. Laughren: Mr. Speaker, I recall the minister's reaction, which was primarily that for heaven's sakes, don't try and change this interim bill. The real bill coming up next year will embody all the principles—well almost all the principles—about which you expressed concern.

I am very disappointed, as are many people in the labour movement, at the minister's omnibus bill. This was an opportunity to do something rather exciting about occupational health in the province of Ontario. We have been sadly jolted by this bill, because in some ways it, as a matter of fact, takes a backward step to the former Bill 139 on occupational health. I shall refer to this in more detail.

I think that one of the things that's bothering me, and bothering others, is that when you introduce a bill like the interim bill, you raise people's expectations about what's going to be forthcoming. I, for one, took your remarks last year in good faith. I believe you were reacting in a legitimate

political way to pressure from this side of the House and from the trade union movement about problems of occupational health in the work place. Certainly that was the way in which we viewed that Bill 139. That was why we understood your attempt or your efforts to get the bill before the House last spring rather than waiting until now to bring in the omnibus legislation. We supported you on that. We did not feel you were being politically expedient and merely doing it because there was an election in the spring of 1977. I think it's fair to say we did not accuse you of that.

Hon. B. Stephenson: If you are accusing me of that now that is dirty pool, I'll tell you.

Mr. Laughren: Well, there's an expression that goes something like "if the shoe fits"; and I will be careful of my letters.

Hon. B. Stephenson: It doesn't fit.

Mr. Lewis: You backed away from your commitment completely, which surprised us.

Mr. Laughren: You have backed away from a number of commitments.

[4:00]

Hon. B. Stephenson: Not true.

Mr. Laughren: You have backed away from a number of commitments.

I personally did give the benefit of the doubt to the minister when she introduced the bill in order to get it before the House and to make it the law of the land. But there are a couple of reasons why I am beginning to have serious reservations about the motives of her government last spring.

One is because of the nature of this bill itself, and its refusal to go forward in areas which I shall outline in more detail—some of which have been mentioned quite adequately by the member for Quinte.

The other is the attitude towards the existing legislation. I think I know the minister will understand those to which I refer. I suspect that it's impossible for this minister to understand that management rights have no place in occupational health. I suspect that is at the crux of a lot of the problems she has in giving workers a fair shake on matters of occupational health. There is still that narrow approach towards occupational health. It's still dealing with accidents, it's still viewing the work place as something which needs to be cleaned up and with giving workers minimal rights in order to protect themselves.

It does not go into the whole area, such as the World Health Organization talks about, of improving the entire physical, mental and social well-being of workers in the work place. That's where we have to

change. That's where the minister simply has to move from the traditional approach to occupational health and broaden the scope of the legislation.

I am disappointed in this legislation. The reasoned amendment was put very thoughtfully on the order paper. It was a serious attempt to convince the Liberal Party to join with us in sending this bill back so that the improvements in principle could be made. The amendment contains changes in principle which would be very difficult to change at the committee stage.

We say that when we have got the opportunity of an omnibus health and safety bill before us, let's make it the best health and safety legislation that is reasonable, that is practical at this time.

Specifically, this reasoned amendment is not an attempt to oppose for the sake of opposition. It is an attempt to say to the minister and through her to the workers of the province, that we have faith in their integrity as workers; we have faith in their expertise, and in their interest in improving occupational health conditions. At the present time, workers are still regarded as people who have to fight for everything they can get in the work place. Instead of giving them certain rights, the minister regards occupational health as an encroachment on management's rights, rather than as a fundamental right of workers. And that's a very serious shortcoming in her philosophy.

I hope the minister will note that the areas we deal with in our reasoned amendment are not frivolous areas. We have restricted the amendment to what we consider to be the very serious shortcomings of the bill; namely, the problem of committees, the problem of the right of workers to refuse to work in unsafe conditions; the lack of coverage referred to by the member for Quinte; and the whole problem of toxic substances.

Those are very serious shortcomings in the bill. Without those you really don't have a substantial occupational health program in Ontario. You certainly don't have a preventive occupational health program in the province. Those basic principles are absolutely crucial if we are going to change the attitude towards occupational health problems.

I would like to talk, first of all, about the whole problem of joint occupational health and safety committees in the work place. I believe that the participation of workers in occupational health is the most crucial aspect of this legislation, bar none. Without worker participation it simply cannot work. The minister has admitted on different occasions that it is not possible to blanket this highly industrialized province with inspectors to monitor

the work place and to enforce the existing legislation; it simply cannot be done. Surely she understands that we'll all be better off if workers are the inspectorate in the work place.

Since Bill 139 became the law of the land last December the minister has not recognized safety and health committees—period. She simply has refused to recognize the committees and that was one of the key components of the bill itself. She needs no other examples than the big Steelworkers' Local 6500 in Sudbury where they have been trying again and again and again to have health and safety committees recognized in the work place.

What really is strange is when the minister can say in a letter to Mr. Rothney, chairman of the safety and health committee at Sudbury, "I have no power to designate either committees or representatives. Sections 4 and 5 of the Act, which deal exhaustively with my discretionary powers in relation to committees and representatives, contain no power of direct designation."

Hon. B. Stephenson: Read the rest of it.

Mr. Laughren: I'll give you one more sentence of your quote. You say, "However, I do not base my decision on these narrow bounds, but have treated the union's submission as a request for the exercise of those discretionary powers given to me under sections 4 and 5 of Bill 139."

Then you go on and refuse to recognize the committees, which they have requested. You can't say in one breath, "I don't have the power," and the next minute say, "I will not base my decision on a narrow interpretation." Then the third step is, you refuse to recognize the committees.

Hon. B. Stephenson: What do you mean recognize?

Mr. Laughren: I mean recognize, under Bill 139, safety and health committees as requested by the workers.

Hon. B. Stephenson: But that's contained in this Act, so that can happen.

Mr. Laughren: It certainly is. The power is in Bill 139 for you to recognize committees.

Hon. B. Stephenson: No, it is not; to designate committees or establish committees, not to recognize.

Mr. Laughren: They would be quite happy to have that done, and you haven't done that either.

Hon. B. Stephenson: It is in this Act.

Mr. Laughren: Why didn't you do it under Bill 139?

Mr. Deputy Speaker: Order. Would the member for Nickel Belt direct his remarks through the Chair?

Mr. Laughren: Yes, Mr. Speaker. Through you to the minister, the minister simply has not designated committees when requested by the union, and there is no excuse for that.

Hon. B. Stephenson: Power to establish a committee, not designate a committee.

Mr. Laughren: The minister can mumble all she likes over there—

Hon. B. Stephenson: I am not mumbling.

Mr. Laughren: I can't hear you.

Mr. Lewis: Anything we can't hear is a mumble.

Hon. B. Stephenson: Really.

Mr. Laughren: We can hear inaudible whispers, we cannot hear mumbles.

Hon. B. Stephenson: But I don't mumble.

Mr. Laughren: Mr. Speaker, the minister should rise on a point of personal privilege if she's offended.

The whole question of committees, to me is the major liability in this bill. Unless the safety and health committees are made mandatory in all places of work over, say 10 employees—

Hon. B. Stephenson: Read the bill.

Mr. Laughren: —you're simply not going to have adequate numbers of committees in the province. It simply won't work.

Do you know what the minister's concern is? The minister's real concern about appointing or designating committees is that her ministry would not be able to monitor the activities of the committees. That's her real concern.

But if she's worried about monitoring the committees' work, how is she going to monitor the work places themselves?

Hon. B. Stephenson: What an idiotic suggestion.

Mr. Laughren: There is a contradiction in logic there that is beyond my comprehension.

Hon. B. Stephenson: It should be, because it is stupid.

Mr. Lewis: Who is going to monitor them?

Mr. Laughren: Who is going to monitor the work places if you don't allow the workers to? You don't have that kind of budget in your ministry.

Hon. B. Stephenson: But there is a program for monitoring.

Mr. Lewis: No good faith; like everything else in the Ministry of Labour—you don't do it, you don't execute it.

Hon. B. Stephenson: You don't have to have everything in legislation for gosh sakes; have some faith in human beings.

Mr. Deputy Speaker: Order. I'd remind the members that the question period expired some time ago.

Mr. Lewis: We are resuscitating it in the interest of good faith.

Mr. Laughren: Mr. Speaker, I would ask the minister through you and to him when she replies, which I hope she will, to tell us how many committees have been designated under Bill 139 so we can understand why she has this reluctance to designate committees.

Hon. B. Stephenson: I don't designate them.

Mr. Laughren: Mr. Speaker, the minister is playing with words—

Hon. B. Stephenson: No, I am not, you are.

Mr. Laughren: —and she knows full well that what we are talking about is the recognition, I don't care what words she uses, the recognition of safety and health committees to have the authority as laid out in Bill 139 and under this Act.

Hon. B. Stephenson: Then support Bill 70, because it's in there.

Mr. Laughren: That is all the union has ever asked for; that is all the workers have ever asked for; and that power in Bill 139 has been refused by the Minister of Labour, time and time again.

Mr. Lewis: It is all in the ministry.

Mr. Laughren: And you ask us why we don't have good faith?

Mr. Lewis: You have had it before.

Hon. B. Stephenson: It's in the bill, it's in Bill 70.

Mr. Lewis: Well why is it any more valid now than it was before?

Hon. B. Stephenson: It is expanded in Bill 70. You have not read the Act, obviously.

Mr. Laughren: Mr. Speaker, I have read the Act again and again—

Hon. B. Stephenson: Well read it again.

Mr. Laughren: —and I have read Bill 139 again and again. The workers have read those bills as well, and they have the same fears I do.

Mr. Martel: They cannot get it recognized.

Mr. Laughren: Because in Bill 139 all the reassurances and assurances were there by the minister; but when it came time to enact or to recognize and designate committees, the minister was found wanting. She simply would not do it. It would be very interesting at some point if the minister would tell

us exactly what kind of employers' lobby there has been in the last year. I suspect there has been a very strong one, otherwise—

Hon. B. Stephenson: None

Mr. Lewis: It is all in the ministry; there is enough there to last a life time.

Mr. Laughren: It probably says more, if there has not been an employers' lobby, about the attitude of the minister and the Ministry of Labour, because I can tell you this bill takes several backward steps. Despite that fact that the minister has stated on numerous occasions that Bill 139 was not abused, yet she still steps back from some of the principles of that bill.

One of the other problems, of course, is that there is still no provision for the education of workers on occupational health and safety matters. There is an advisory council to approve education programs using provincial lottery funds, I understand that, but I am saying that the minister still has a half-hearted commitment to educational programs for workers.

This was discussed during the estimates of the Ministry of Labour and certainly nothing has changed. I think that what we are saying to the minister is: why step back from Bill 139; why not use that as a foundation and build on it to improve occupational health, to give workers more of a say in their own occupational health and stop being so maternalistic about workers.

Hon. B. Stephenson: Don't call me paternalistic.

Mr. Laughren: I said "maternalistic"; you might check Hansard.

Hon. B. Stephenson: Sorry. All right then.

Mr. Laughren: I made that mistake once in the Ministry of Labour estimates.

Hon. B. Stephenson: Better not make it again.

Mr. Martel: Are you threatening?

Mr. Laughren: Or intimidating me? The minister should; perhaps she would then understand this language better.

If the minister is going to err on the side of one or the other, for once set a precedent and err on the side of the workers in giving them some control over their own health in the work place.

Mr. Lewis: Right; like you do for Aime Bertrand and others.

Mr. Laughren: Just once we would like to see that happen. I would like her to keep in mind as well the whole problem of committees and what it means. It means participation. I don't know whether you read

that as control, but you shouldn't. In the occupational health, or joint occupational health committees, the workers have a great deal at stake in their own occupational health. They would not be frivolous about it. You need only look at the unemployment figures to understand that workers in the province of Ontario are not going to frivolously refuse to work. That has never been the case and the minister knows it.

The second major liability in the bill is the question of coverage. For the minister to say that, "while immediate expansion of coverage appears desirable, dispassionate consideration has convinced the government that this expansion would be inappropriate at this time," is to play fast and loose with many of our own employees, employees of her government. For her to promise that regulations will be brought in to extend coverage, quite frankly, is not good enough, given her performance on Bill 139. I see no reason to exclude the employees of the psychiatric hospitals, the mental retardation centres, the community colleges of applied arts and technology—the correctional institutions.

[4:15]

Those four institutions alone, by my computation add up to about 26,000 employees who would not be covered, all Crown employees. They are very uneasy, as I am, about leaving that kind of discretion up to the minister through regulations. There is no reason to be so vague about who is going to be covered. For example, section 3(1)(e) says this Act applies to: "a work place designated generally or specifically by regulation." Then it goes on to say in section 3(2)(b): "a work place that is exempted generally or specifically by regulation."

I am confused that the Act applies, in one breath to "a work place designated generally or specifically by regulation," and then says, that it does not apply to a "work place that is exempted generally or specifically by regulation." That is what is making us all very nervous about the coverage in the bill.

The Ontario Public Service Employees Union has provided the minister with statistics on lost time accidents. I think they are relevant, and indicate that those people should be covered under the bill as well as anybody else.

Brewery workers are another example that my colleague from Hamilton East raised.

Hon. B. Stephenson: Delivery?

Mr. Laughren: Yes, those who deliver beer to a hotel but are not covered when they are at the hotel unloading the beer. Farm

workers are not covered, and they are subjected to considerable danger in their place of work.

Mr. Riddell: I am not sure they want to be.

Mr. Laughren: Quite simply, if protection under this Act is legitimate for some, it's legitimate for all. The other legislation in the province does not designate classes of people. Whether you are talking about the Ontario Highway Traffic Act or termination pay for workers, they apply universally to workers in the province. So should matters of occupational health, there is simply no excuse for excluding them.

The third point that is sadly lacking in the bill is the whole question of toxic substances. This is where the problems are going to be in the future. I know that the Workmen's Compensation Board has published statistics indicating that 95 per cent of all lost time covered by Workmen's Compensation is a result of accidents, as opposed to industrial diseases. But to look back on what has happened in the past, and rather smugly indicate that the real problem is accidents not disease is to have no commitment to prevention. Dr. McCracken was the person who said most lost time was a result of accidents as opposed to illness. I would hope that the minister would not take that attitude. If we are going to be successful it has got to be through preventive measures, not through catching up afterwards. But that is what the minister is really talking about, a catch-up process rather than one of prevention.

There simply must be pretesting before harmful substances are introduced into the work place. The onus should be on the employer to substantiate the introduction of toxic or harmful substances, not on the Ministry of Labour to catch them; not on the Minister of Labour to enforce regulations after the fact. That is not prevention. The minister should take a page out of the book in the UK, where they do have preventive measures. There the onus is on the employer to say to the government that there are certain substances which they are introducing into the work place, the manner they are going to introduce them and outline the precautions they are going to take; and that can be done.

Hon. B. Stephenson: That's in the Act.

Mr. Laughren: No, it is not. I have read the Act very carefully. You show me in the Act where it says that there is pretesting.

Hon. B. Stephenson: We are "required to be informed of."

Mr. Lewis: Oh thank you very much.

Mr. Laughren: Yes, I can imagine what that will be like. And also, it is only—

Hon. B. Stephenson: You have no faith.

Mr. Laughren: No, you are absolutely right.

Mr. Martel: I am going to show you why in a few minutes.

Mr. Lewis: None, none at all; and with fairly good reason. Ontario is littered with dead bodies based on faith; that's right. It's not a question of faith, with the record of the Workmen's Compensation Board and the former ministry.

Mr. Acting Speaker: Order, please.

Mr. Lewis: Faith, something to rely on!

Mr. Martel: You heard the union the other night.

Mr. Laughren: The minister simply must understand, as I said earlier that given Bill 139 we have lost some faith in your commitment to occupational health. I'd like to see the proof of your commitment. Probably the most obvious and glaring example is your failure to designate the safety and health committees. The minister when dealing with toxic substances still talks about guidelines, except for a limited number of substances. I can tell you that guidelines didn't do a damn thing for the workers in the Reeves Mine or the Matachewan asbestos operations or in the uranium mines.

Hon. B. Stephenson: Because they weren't there.

Mr. Lewis: Sure they were.

Mr. Laughren: They've done absolutely nothing. It's only a month ago, in the Ministry of Labour estimates, under the occupational health branch, we were talking about an industry called Royal Industries. I won't go through it all again, but there were levels in the spring, May 26, 1977 as high as 55 fibres per cubic centimetre. Then when we pushed and got readings for October 7, 1977, there were more readings as high as 12.8, 14.2, 14.2, 4.9, 4.2, 3.0, 4.8, 3.8, 7.4, 2.0, and 2.5. Those are what guidelines do.

Mr. Martel: You have got to have faith.

Mr. Laughren: Unless they become standards, talking about guidelines isn't going to solve the problem. And the minister has the nerve to sit there and say, "You have no faith." She's right of course, we have no faith, but for ample reasons. There are many other examples where guidelines simply have not worked and simply will not work. The part that I relate directly to toxic substances is the limit of one year on prosecutions for violations of the Act. But we know that the latency period with some of the carcinogens,

for example, is as long as 20 years. Now what good does that do, when the limitations period is one year? That's still a broken bones mentality on the part of the minister as opposed to the rather sophisticated problems that exist in the work place. To say that there's a limitation of one year is to do workers in the province a real disservice.

Guidelines quite simply are unenforceable. The minister can write all the letters she wants, or inspectors can swarm over the work place, when that problem is brought to their attention. But the problem, Mr. Speaker, is that I suspect in many of the worst places of work it's never brought to anyone's attention. Perhaps it's a small shop, perhaps there's no union at all to represent the workers; perhaps the workers don't understand their rights; perhaps the workers feel intimidated by the employer.

It could be any number of reasons or it could be all of those. In those cases, the employer, quite frankly, has nothing to lose. As long as some of those employers have nothing to lose—if there's only guidelines—then they're not going to clean up their act. It's when we put in standards, backed up by committees that we can get some preventive measures. But to put in guidelines, to not make the committees mandatory, is to make a mockery of preventive health care in the work place and the minister should know that; I suspect the minister does know that.

Mr. Lewis: Of course not.

Mr. Laughren: There have been a number of things to indicate a real weakness. Another—and it ties in with the toxic substances as well—is the data bank which we've been calling for, for some time now. There simply must be an employee file or a worker file that follows the worker in the province. I know that the machinery is set up to do it, but it's not there as a commitment to establish exposure files on all workers in the province; and the most logical place for those to have been located was in a provincial institute for occupational health.

There are some of us who remember September, 1975, the eve of the election, when the Premier (Mr. Davis) announced in Sudbury that Ontario was going to have an institute of occupational health. The Premier has never said it again. The minister, as a matter of fact, categorically denies there is even going to be an institute of occupational health.

Hon. B. Stephenson: No, I didn't deny it.

Mr. Laughren: Yes, you did. You denied it in the Ministry of Labour estimates. You

said, "No, we're waiting for the federal government to institute a federal one."

Hon. B. Stephenson: I didn't say that at all. I said we would be co-operating with a more reasonable kind of approach than the federal one; and that isn't denying it.

Mr. Laughren: Mr. Speaker, the minister indicated they were waiting to see what the federal government was going to do. Yes, she did.

Hon. B. Stephenson: Get the Hansard record. I didn't say "waiting".

Mr. Laughren: She has indicated the federal government was talking about an institute of occupational health, and I know they are. I've had correspondence with the federal Minister of Labour myself and I know they are thinking about it. That's simply no reason for the minister not to make good on the commitment of the Premier to establish a provincial institute of occupational health, no reason for it whatsoever. Then the minister has the nerve to sit there and suggest we have no faith in her and her commitment to occupational health. The minister says it would be dirty pool if I was to suggest Bill 139 was simply brought in prior to the June election in 1976 as a ploy.

Hon. B. Stephenson: Yes, it would be.

Mr. Laughren: Well perhaps she could explain to me the minister's statement on the eve of the 1975 election on which no one has acted as yet; no one at all.

Hon. B. Stephenson: I didn't make any such statement.

Mr. Lewis: No, but the Premier did.

Mr. Laughren: You didn't make that statement but your government did. You can't hide behind your own ministry and ignore the promises of the Premier when it affects your ministry.

Hon. B. Stephenson: I will explain it in words of one syllable so you will understand it, Floyd.

Mr. Deans: Nasty.

Mr. Acting Speaker: Order, please. Could I ask the hon. member to address his remarks to the Speaker, and the hon. minister not to interject. Would you please continue.

Mr. Laughren: Thank you, Mr. Speaker. I shall make every effort.

Hon. B. Stephenson: Unlikely.

Mr. Deans: Will you stop muttering.

Hon. B. Stephenson: I am not muttering, I am speaking clearly.

Mr. Laughren: Mr. Speaker, the minister can smile and mumble all she likes. The Premier did make a commitment for an institute of occupational health to the province.

Mr. Lewis: Certainly did.

Mr. Laughren: He has reneged on that commitment and the minister won't even take him to task for it. Surely that should then become part of her commitment as the Minister of Labour responsible for occupational health, but she has refused to do that.

I would invite the minister to recheck Hansard for the Ministry of Labour estimates to find out what she really did say about an institute for occupational health. It was quite clear she had abandoned the idea of a provincial institute of occupational health. There's no reason why we could not lead the way in occupational health in this country. I can imagine other jurisdictions would be very quick to follow, would try to plug into a worker exposure data bank if we were to set it up.

Hon. B. Stephenson: You don't have to have an institute for that.

Mr. Laughren: It wouldn't negate a federal institute if the federal government decided to have one. It wouldn't detract from that at all. As a matter of fact, it would probably be an incentive and a push to the federal government to do something about it because, quite frankly, they have been as negligent as you have.

Mr. Martel: The compensation hospital you promised in Sudbury on the eve of the election too.

Hon. B. Stephenson: Who did?

Mr. Martel: The Premier. He makes lots of promises, that fellow.

Mr. Laughren: Mr. Speaker, it will be interesting to see how long it is in the province of Ontario before we do have a serious commitment to occupational health. One way of indicating commitment is to establish the institute to which I refer. I think that's one of the keys, because then you have spin-off benefits for education, benefits for setting up an employee exposure worker file, and you could plug into other provinces.

Hon. B. Stephenson: It's not necessary for that.

Mr. Laughren: I don't care what you call it, a data bank or an employee exposure file, it doesn't matter. The principle being, we've simply got to keep track of the exposures of workers in the work place, no matter where they work.

Hon. B. Stephenson: Agreed; it's in the Act.

Mr. Martel: Isn't that what Ham says in his report?

Hon. B. Stephenson: It's in the Act.

Mr. Laughren: Mr. Speaker, the other area of major importance which is embodied in the reasoned amendment is the whole question of the right of workers to refuse to work. Bill 139 had that. Bill 139 was not abused, by the minister's own admission. Since Bill 139 came in, there have been a number of workers exercise their rights, and so they should; but this bill weakens the right of workers to refuse to work, even though it's never been abused.

[4:30]

I don't know whether that's a Pavlovian response by the minister or whether it's the result of an employers' lobby to which I referred earlier, but it has weakened in the first stage of the right of the worker to refuse. It states that a worker can refuse to work and have the problem investigated with the presence of another worker, if reasonably available. The second stage is more or less the same thing. Once again, it's the presence of a worker or representative who is reasonably available. That weakens the right to refuse for the simple reason some workers will not feel very comfortable exercising their right under this bill and that they should have another worker and a representative there with them at all times.

For the minister to weaken the bill is inexcusable. If she can stand in her place and tell us of all the abuses under that bill, perhaps then we would think that there is some reason for it, but there's no reason for this. There is no reason whatsoever, except the traditional commitment to management rights, that's really what the problem is.

It's weakened further by the employer's right to take disciplinary action. I want to tell you that if it's left the way it is now, workers will simply be afraid to exercise their right unless they have a very strong union behind them and unless they have an iron-clad case. It won't be a case of exercising their judgement in the work place. They'll be afraid to because of the possibility that they can be dismissed.

I know that it can go before the Ontario Labour Relations Board. That can take up to six months and that's not fair to the worker, who after all is simply attempting to exercise his or her right under the legislation of Ontario.

Hon. B. Stephenson: But they have no responsibility.

Mr. Laughren: Both the refusal to have another worker there under the Act—in other

words making it discretionary—plus the right of employers to take disciplinary action, both are a form of intimidation to workers. I think the minister simply must stop regarding the right to refuse to work as an encroachment on management rights. It's part of the whole system of preventive health care in the work place.

Hon. B. Stephenson: What a dumb thing to say.

Mr. Laughren: It is. Otherwise why did the minister put it in there? Perhaps when the minister responds she can tell us why she has taken these backward steps, because they're clearly backward steps. It's not nit-picking or looking for loopholes. They're very clear backward steps in the right of workers under this legislation.

I think the minister has to have a broader view of occupational health in regard to committee representatives, the pretesting of toxic substances, worker training, and more expertise in the colleges of applied arts and technology to provide training to the committee members. All of these things are part of a package of preventive occupational health care in the province. For the minister to continue to weaken the bill by these kinds of actions simply is not fair.

The final thing is the whole question of regulations. Quite frankly, we want to see them and we see no reason why the regulations could not be tabled at the same time as the bill is debated.

When I look at the bill itself, under the regulation section, the power of regulations is awe-inspiring indeed. These are the right of the cabinet, which is the minister in this case I assume, to make regulations in the following areas:

Requiring and regulating equipment, materials and protective devices in clothing for workers; regulating or prohibiting the handling of, exposure to, use and disposal of any material, biological, chemical or physical agent or combination thereof, or thing in a work place; respecting medical examinations, tests or x-rays of workers and the report that should be made of such examinations; regulation of or prohibiting atmospheric conditions to which any worker may be exposed in a work place; describing methods, standards of procedures for determining the amount of concentration or level of any atmospheric condition or any biological, chemical or physical agent or combination thereof in a work place; describing any biological, chemical or physical agent or combination thereof as a designated substance; prohibiting, regulating, restricting, limiting or controlling the

handling of, exposure to or the use and disposal of a designated substance; and section 39(2) 23: "requiring the maintenance and keeping of a record or records of biological, chemical and physical agents, the use thereof, the disposal thereof and the exposure of workers thereto."

Those are pretty powerful regulations. I would feel much more comfortable, given the way the minister exercises her discretionary powers, if those regulations were embodied in the bill. We are uneasy about having that kind of discretionary power in the hands of this minister, or any other minister on that side.

Perhaps the minister could rationalize bringing it into the bill, because some other minister might not have her commitment to occupational health in the province. We object to an abbreviated bill like this. It's simply not good enough. It simply puts too much reliance on the regulations.

We have made what I would regard as an honest attempt to amend and we are serious in asking the Liberals to reconsider and to support our reasoned amendment. We are not asking that the bill be defeated. We are asking that the bill be amended before it comes back for further consideration.

We ask that the minister think about the kind of protection available for labour. You know capital has all sorts of protection available to it. It's extremely portable. We have seen that with the resource industry. Capital goes where it can be best protected; labour cannot. Labour simply cannot move that way. Labour has a lack of protection and it's up to the minister to help provide that.

It's clear to us that it's not management that suffers from asbestosis. It is always workers and her predecessor—

Mr. Martel: Put the minister in.

Mr. Laughren: —or the Minister of Labour then, didn't like when I suggested to him that the whole question of occupational health was a working class problem. It's not a management problem. That's why you are stepping back on this bill. Plain and simply, that's why you are stepping back.

Hon. B. Stephenson: It is everybody's problem.

Mr. Laughren: Do you know why you make the same mistake as your predecessors have made? It is because you say: "My job, as Minister of Labour, is to be impartial." I have never heard the Minister of Industry and Tourism say that. The Minister of Industry and Tourism, and the Minister of Agriculture and Food, stand in their places

and say they are there to protect the interests of small business, tourism, the agricultural sector; but the Minister of Labour doesn't stand in her place and say: "I am here for the interest and the betterment of workers in the province of Ontario." She stands there and says: "I am impartial." Well, if that's the case, how is it that the minister would take backward steps in this bill compared to Bill 139? These are undoubtedly backward steps. That's not even debatable.

Hon. B. Stephenson: You just don't know what direction you are going in, that's all.

Mr. Acting Speaker: Order, please. Would the member please continue and ignore the interjections.

Mr. Laughren: If the minister believes that it's not a working class problem, let her say to us that she's going to reduce the differences; she is going to take away some of the differences that now exist in the work place between workers and employers and reduce the occupational health hazards for workers all across Ontario. Let us build a model in this province, in this jurisdiction, to which others could aspire.

Hon. B. Stephenson: That's precisely what this is.

Mr. Laughren: That's not what you are doing when you are stepping away from a previous bill. How does backing off from existing legislation help us build a better model?

Hon. B. Stephenson: We are not backing off.

Mr. Laughren: You are. You are backing off on committees; you are backing off on the right to refuse to work. You are not extending coverages the way you should be. You haven't brought in the regulations.

Hon. B. Stephenson: You just don't understand it.

Mr. Martel: Oh no; and you are the only one who does.

Hon. B. Stephenson: Lots of other people do.

Mr. Martel: They are all in management.

Hon. B. Stephenson: No.

Mr. Acting Speaker: Order, would the member please continue?

Mr. Laughren: It is for those reasons, and a great disappointment in the minister and this legislation she's brought before us, that I place this reasoned amendment.

Mr. Laughren moved, that the motion for second reading of Bill 70, An Act

respecting the Occupational Health and Occupational Safety of Workers be amended by deleting all the words after "that" and substituting therefor the words, "this bill be not now read a second time but be referred back to the government to have incorporated therein:

"1. Mandatory health and safety committees with authority to implement change, and with access to all relevant information;

"2. Extended coverage for workers not now protected by the Act;

"3. Protection of workers from harmful substances in the work place by; (i) pre-testing all such substances before their introduction; (ii) ensuring that workers are fully informed about all harmful substances to which they may be exposed;

"4. The right to refuse unsafe work, free from intimidation and disciplinary action;

"And further, that the regulations be tabled by the time of reintroduction, in order that those affected may assess the extent and strength of the standards, guidelines and directions contained therein."

Mr. Laughren: That's the end of our reasoned amendment. I would ask the minister to reconsider, and I would ask the Liberal Party to reconsider, so we can all join together and give workers in Ontario a better quality of life.

Mr. McGuigan: I rise to lend my support to this bill, subject to the amendments proposed by our critic. I would like to speak on behalf of the farm community in Kent-Elgin, which I represent, and all of Ontario. I have had a quite extensive background in farm politics, particularly in the fruit and vegetable field, and in the matter of farm labour.

I don't think there is any farm leader in Ontario, certain no one I know of any stature whatsoever, who would want to delay implementation of health and safety regulations for the protection of farm workers. I would like to point out that most of the farm workers in Ontario are the farm families themselves. And when a father, wife, son or daughter, or any farm person is injured in any way, in addition to a terrible human loss, it often results in the end of the farm operation. It breaks the continuity of the family and it has tragic results.

I don't know of any farm leader who would want to delay the implementation of the fullest protection for farm workers in Ontario.

I note the Act does not specifically mention farm workers, but it does have a section where it says "the work place shall be regulated"; I certainly assume under that regulation at the minister's discretion and at the

proper time, regulations will be brought into effect to give that very needed protection.

I do, however, have reservations I would like to mention on behalf of farm people. I think these reservations are rather well founded in the fact that over the many years farmers sent their best brains to agricultural colleges. They put them forward and they are now the deputy ministers and in places of high office in this government. Equally, the labour union people sent their brightest sons and daughters into the Ministry of Labour, where they are fighting today to bring the best deal that they can for workers.

Mr. Deans: I don't think that is necessarily so.

Mr. Ruston: You just listen.

Mr. Deans: I wouldn't hang my hat on that if I were you.

Mr. McGuigan: Well, those that couldn't make it that way came into the Legislature.

Mr. Deans: I wouldn't hang my hat on that one, either. I have a suspicion your comparisons are a little out of whack.

Mr. Kennedy: The analogy is good.

Mr. McGuigan: We will have to each make our own judgements on those matters.

Mr. Deans: I have made mine.

[4:45]

Mr. McGuigan: My dealings with some of the ministry people in the past would lead me to believe that many of these officials have brought with them that 19th century bitterness—probably well deserved—that bitterness built up in the nineteenth century, the terrible things that happened in those days. They brought those bitteresses and prejudices along with them and when you try to reason with these people, as I have had to try to do many times, I found that they just have a deaf ear to reason.

So we fear regulations that are brought by these people. We would certainly ask the hon. minister that when and if the regulations are brought forward that a farm advisory committee be allowed to look at the regulations to make input to them.

We realize, of course, that the final decision is hers, as it properly should be. We would not try to take any of the authority away from her office. We do have faith in her.

Mr. Martel: Boy, I tell you we do too, baby; we have got faith.

Mr. McGuigan: We do have quite a bit of faith in the minister, but we have a little less faith in some of those zealots and people

who have brought these 19th century ideas with them.

Mr. Martel: They must be two centuries ahead of you.

Mr. McGuigan: Maybe.

Mr. Martel: Maybe.

Mr. Gregory: The world isn't ready for you, Elie.

Mr. Acting Speaker: Order.

Mr. McGuigan: We just want to make these appeals to the minister, that these considerations be given. I think we have good grounds for that when she promised about two years ago that a person would be appointed to an advisory committee. We found a good deal of resistance on the part of the ministry to recognize that and it was only within the last few days that that happened. So we would certainly feel a lot better if she would give those assurances to the House that when and if agriculture is appointed that due consideration will be given to allow the agricultural community to make input to those regulations.

I would point out some of the differences between industry and agriculture, the matter of atmospheric conditions, working under certain weather conditions. A fruit grower is sometimes subject to such conditions, when it rains steadily for three or four days on a particular variety of fruit or vegetable, the crop may mature in that period of time and the grower could well be faced with harvesting it in the rain.

Tobacco growers, when they start in the morning to fill a kiln of tobacco, must fill that kiln by night or the entire kiln is lost. So it becomes necessary sometimes for people to work in bad atmospheric conditions.

We would ask that these situations be recognized. We are very sympathetic to the television advertising of the Workmen's Compensation Board telling people to tie ladders to buildings and obstacles when they're working on them. It's certainly sensible and very commendable. But in the orchard business we would suggest that tying the ladder to the trees would be a little bit ridiculous. In my own orchard business we make a great point of pointing out to people, when we introduce them to a ladder, to "stay with the ship." When the ladder begins to fall, hang onto the ladder because it won't go very far. It's going to fall into the tree. It doesn't fall sideways, like a ladder leaning up against a building, it will fall into the tree and if you hang onto it you're only going a very short distance.

It's good advice, I guess, for airplane drivers too, but they—

Mr. Bounsall: They are called pilots in this day and age.

Mr. McGuigan: I just mention those two or three things to indicate why we have these concerns, Madam Minister, but certainly we will support inclusion of agriculture, when and if this is brought about. Thank you.

Mr. Mackenzie: Mr. Speaker, I rise in support of the reasoned amendment to this bill. It is necessary that we make some positive changes in Bill 70, the legislation that is before us, because it is certainly not what most of us were led to expect in the debates on the previous Bill 139.

The minister, in her comments about the complaining that we may be doing about this bill, reminds me of the mother watching her son, Johnny, marching off to war and commenting that everybody was out of step but Johnny. I would suggest to the minister that she might be the one who is out of step in this particular case.

Hon. B. Stephenson: No, two steps ahead of you, Bob.

Mr. Martel: With the advisers you have you should look around.

Mr. Mackenzie: She also says she wants us to have faith. In the first set of labour estimates I was in, I was a lot more naive than I am now. Faith with the labour movement and some of the problems we have had in this country, was something that you had to earn. Let me tell you, that is not what the minister is doing.

We debated the first bill, Bill 139, at considerable length in this House. In the course of that debate we moved a number of amendments to areas that we thought were weak. It included such things as mandatory committees, toxic substances, further coverage; a whole range of points just did not seem to be adequately covered in Bill 139.

I recall with some chagrin that, in the votes on most of those amendments in this House, we usually lost, even when it came to things like mandatory committees and toxic substances, and you name it. We had the Liberals voting with the government on those amendments on Bill 139.

When we were raising the points during those debates, I would hope that at least we would be given credit for raising them in a serious vein. Certainly that is the position I held and I believe all of my colleagues held. Most of us, whatever else the minister may think, have had some identification with and some interest in and some communication with the labour movement, for some of us for many years. Throughout that debate, we kept getting comments back from the minis-

ter. I would like to read two or three of them into the record if I can.

On November 18, 1976, in Hansard, page 4791, the minister commented: "At the beginning of the next session the government will introduce a comprehensive occupational health and safety statute which will formally establish, in the Ministry of Labour, an occupational health and safety authority responsible for the health and safety of all employees in the province of Ontario."

Well certainly this bill does not cover all employees.

Hon. B. Stephenson: But it will.

Mr. Deans: When?

Mr. Mackenzie: She went on a little further to say: "I want this House to understand," and I want this clearly on record and this is her exact wording, "that the government is firmly committed to meeting the twin needs for greater openness and greater employee participation in matters of health and safety. Combined with these objectives, the government wants to provide the most effective external evaluation system possible."

And then she says: "Any comprehensive statute must, I think, embrace not only the broad principles emphasized by Dr. Ham and his commission, and those persons and organizations who appeared before it, but as well the technical consideration and practical language required to respond to the new technology."

She went on at the end of that particular paragraph to say there would also be changes in the Mining Act, "—so that all our health and safety laws would be kept in step while we await the introduction of the omnibus statute."

Later in that debate she makes the comment, Hansard, page 4792. "Before you, Mr. Speaker, is Bill 139, the interim legislation." Again the minister said: "To suggest that this government is less than totally committed to the development and maintenance of the best program of occupational health and safety is spurious fabrication."

We were led, time and again, to believe that this was going to be a bill that all of us could be proud of. She said again, after some brief interjections, and a comment by one of the Liberal members, Hansard, page 4792: "I will emphasize again that this is interim legislation."

She went on again to say: "I do sincerely thank those members who have outlined or specifically detailed work place problems and relevant matters, such as data collection and research, which will be most seriously con-

sidered during our development of the omnibus occupational health and safety Act."

The feeling or the hope, or as I will point out a little later the comment of one columnist just the other day, the euphoria that was around that we might finally be getting somewhere, continued when we moved on to December 10, 1976. She was being questioned during the debate on some of our amendments under clause (h), section 1. In response to one of our members she said, "I would have to tell you that these indeed are the goals of the Ministry of Labour in proposing this kind of bill. However, as the hon. member for Nickel Belt has suggested, we believe it is inappropriate to introduce this section at this time because this is much more appropriate for the omnibus health and safety legislation."

"The purpose of this bill is an important first step, as I have said on at least three or four occasions."

Once again the feeling certainly was that while we were fighting and raising and moving certain amendments so we would get a first bill established, we would see the improvements in the omnibus bill that was to come down.

She went on further to say: "It is our intent—and we are working on the omnibus legislation right now—to introduce a comprehensive bill which will incorporate some of the goals that have been stated here." That once again is in response to some of the amendments we were moving in the House.

And a further comment, "and that we can get on with the careful examination, in the drafting of the omnibus legislation, of the very useful suggestions made by the hon. member for Nickel Belt." That in response to some of the criticisms, some of the points that we were making at that particular time.

On page 5605, Mr. Speaker, that same debate: "It seems to me that it would be entirely inappropriate—" this once again is the Minister of Labour in her response to some comments by the member for Scarborough-Ellesmere of our party, "—to include in this bill those sections to which they are not directly relevant. I believe they are reasonably relevant to the development of the omnibus bill, which I have said repeatedly will be developed in major consultation with the groups which are going to be affected by it." I don't know where the consultation was in the changes from Bill 139 to Bill 70, but they certainly didn't come from the labour side of the fence.

Further, she goes on to say: "With their expert advice, I think we probably can develop for the omnibus bill this kind of definition which will be rational and which we can indeed live with." This was in reference to a definition of health and safety.

On that same page I made the brief comment or interjection, Madam Minister, and it really strikes me as being apropos now: "I am wondering how long we would be debating those same sections, even in the omnibus bill." What we are going to be doing is dealing with amendments that are almost identical in some cases to those we were dealing with a year ago after we had gone around the province on that tour.

Hon. B. Stephenson: We didn't do the tour until April.

Mr. Mackenzie: This is a comment of the minister, on page 5607; "We get on with this business now and do away with this long drawn-out discussion of specific added sections, which would be much more appropriately discussed in the consultation process in the development of the omnibus legislation which has already begun."

I don't know whether or not the minister agrees, she probably doesn't, but certainly anybody sitting in or listening to this would get the indication that we could expect some positive changes in the omnibus bill.

Another comment, on page 5610, "That modification can be made at the time the omnibus bill is introduced, but I think it would be much more rational to leave it in this form at this time and proceed in that direction."

Mr. Mancini: How does it sound when it is read back to you?

Mr. Mackenzie: I think it is important to recognize that the purpose of this bill, as the member for Nickel Belt has said is to protect the workers. She goes on to further discuss changes that can be made in the omnibus bill coming up. I find interesting, and we are dealing with mandatory committees once again, her comments on page 5687, are exactly: "If we find that it doesn't work, then indeed when the omnibus legislation is introduced we can most seriously consider the possibility of introducing mandatory committees." Now that is a comment, a statement out of Hansard, by the minister.

[5:00]

Mr. Martel: You said that?

Hon. B. Stephenson: Right, of course; but they do work, it has worked very well.

Mr. Mackenzie: I am wondering, in view of those comments time and time again dur-

ing the debate, where are the improvements and changes in this legislation? This legislation does not improve the right to refuse, it weakens the right to refuse unsafe conditions.

Hon. B. Stephenson: No, it does not.

Mr. Mackenzie: It doesn't strengthen the bill or extend it to additional workers. We don't know what the regulations are. We are not getting pretesting. Issue after issue is there.

I also heard the minister in her interjections today indicate that it was possibly the member for Nickel Belt who was squawking. You know I find it interesting that almost every labour group in the province is squawking about this bill.

Hon. B. Stephenson: I didn't say that at all. Where were you, you weren't here.

Mr. Mackenzie: I was right here. You were squawking that we were the only ones objecting to the provisions of this new bill.

It's very difficult to understand just what's going on, except that we know what your position will almost automatically be now. That's one of the reasons why there's a lack of faith.

Mr. Martel: I will give you two or three more reasons.

Mr. Mackenzie: Here are two or three indications of the extent of the opposition to this bill. This is from a statement by Clifford Pilkey, president of the Ontario Federation of Labour, October 20, and it says—

Mr. Martel: He doesn't understand either, does he?

Mr. Mackenzie: I realize he's unimportant, as some of the rest of us are in the minister's feelings. He comments: "What should have been the single most important and comprehensive piece of legislation for the protection of workers' health and safety in our time turns out to be a disappointing combination of housekeeping amendments and a timid advance in only one direction, the designation of certain toxic substances for control by the Ministry of Labour." He goes on to make a number of other comments, none of which are very complimentary to the minister.

I won't take the time because we've covered them to some extent. Some of the other comments deal with the areas on safety.

Hon. B. Stephenson: So what?

Mr. Lewis: But this bill won't be effective if there is so much antagonism to it.

Hon. B. Stephenson: Of course it will.

Mr. Lewis: And these are people who know, these are people in the work place.

Hon. B. Stephenson: But there's no reason for them to be antagonistic, none.

Mr. Lewis: Oh yes there is, your staff for openers.

Mr. Martel: Talk to Dr. Muller; they love him in the labour field.

Mr. Acting Speaker: May I remind the members that the member for Hamilton East has the floor.

Mr. Mackenzie: Let me go on. He's listed very clearly some of the complaints and elaborated on a couple of them. "The minister clarifies the right to refuse to perform unsafe work by giving management the green light to impose discipline for a frivolous exercise of the right, leaving it to the suspended or fired worker to file a complaint with the Labour Relations Board. Some cases of discharge for union activity under the same section of the Labour Relations Board have taken up to six months to a year for a decision." He also makes the comment: "In almost 10 months since Bill 139 was passed into law, to our knowledge not a single committee has been appointed nor a single representative selected."

Mr. Mancini: Not one.

Mr. Mackenzie: That's from the president of the OFL. The minister has had wires from the Canadian Union of Public Employees outlining some of their objections.

Mr. Lewis: What is the date?

Mr. Mackenzie: The Ontario Public Service Employees Union has very strong objections to the bill, and in most cases they're the same objections, Madam Minister, that we've made. They deal with the same weaknesses and errors in the legislation.

Mr. Martel: You don't understand.

Mr. Mackenzie: No, none of us understand. None of the labour movement understands, obviously. And everybody is wrong but the minister.

Hon. B. Stephenson: That isn't what the telegram says.

Mr. Laughren: Everybody else is out of step.

Mr. Mackenzie: I really wonder; we went through the build-up, the hearings over the mine conditions, the Ham commission; we come in with this legislation. We hear the objections, the urging for strengthening of the bill from almost every union group in the province. I myself heard the minister say in the estimates that there really hadn't been any abuse of it; and then we get presented Bill 70. Really it's a bit of a disgrace.

I read with interest in a piece in Wednes-

day's Hamilton Spectator some comments by John Lennie of Local 1005 in my own city, who has been long involved in this. He makes the comment, in an article by Peter von Harten, that there was "a sense of euphoria in the trade unions as trade unionists trooped before Bette Stephenson and her officials in April to give their views on health and safety. The provincial labour minister had already provided interim legislation giving workers the right to refuse unsafe work and was promising more wonders in a comprehensive Act. The employers were also at the public hearings and there was trepidation on their part as they argued that the minister had already given workers power to shut down operations."

"Under the guise of an unsafe work situation, workers could stop work," the Hamilton Chamber of Commerce claimed in its brief. Although Mrs. Stephenson told the chamber that there had been no frivolous abuse of the interim legislation, she appears to have bought the employers' argument.

"The new industrial health and safety Act now before Queen's Park has a specific clause giving employers the right to discipline employees who refuse work considered unsafe without reasonable grounds. The clause, which questions workers' motives before any argument on whether the job is actually unsafe or not, and the lack of any new wonders, has left trade unionists disappointed and let down with the new bill."

"The shell of a good Act may be there but there's no meat on it and it's even a step backward from before," said John Lennie, Local 1005 safety chairman.

"He goes on to make a number of comments: 'The lack of detail and regulations would tie up the province's labour board with questions of discipline, and keep health and safety in the adversary arena of collective bargaining.'"

"I thought that one of the reasons for this was to get over some of the problems we're having in negotiations over health and safety matters which shouldn't have to be a matter of that kind of confrontation. We had been hopeful in 1005," he goes on to say, 'of keeping health and safety out of negotiations. Now we are going to have to keep banging away at the bargaining table to get anything that we need. Companies are not going to give anything away on health and safety that isn't provided in the legislation, and the bill gives little protection for unorganized workers at all.'"

I don't know who the minister wants to go to in the trade union movement. I don't know whether she's got a few flunkies or not, but she's going to have to look hard to find those who have any confidence in this bill, or who support it in any way whatsoever. And I also would strongly urge the Liberals to take a look at it because the bill is not adequate. It's a step backwards.

Hon. B. Stephenson: I have a communication from Mr. Pilkey that says he supports it.

Mr. Lewis: Where? Where does Cliff Pilkey say he supports the bill?

Hon. B. Stephenson: It's a verbal communication.

Mr. Mackenzie: If he does, I don't know when the minister was talking to him. That's not the position.

Mr. Lewis: I thought maybe it was spiritual communication or celestial or maybe—

Hon. J. A. Taylor: Now it's on the record.

Mr. Mackenzie: The bill is not supported by the Ontario Federation of Labour, the Auto Workers, the Steel Workers, CUPE, OPSEU or almost any of the major unions in this province.

Mr. Lewis: How do you expect to make it work?

Mr. Mackenzie: As a matter of fact, there is strong opposition to the bill as it stands. What they're saying is: "Why go through the whole route again starting from a step backwards?" And that's exactly what the minister is asking us to do with this bill. If ever there was a party that was afflicted with tunnel vision or was rigid and was dogmatic and wasn't willing to break out or make any changes or make any innovative moves at all in an area that we should be leading in in this province, it's the Tory party; and not to assist in something as basic as health and safety of workers is going to come down around their heads.

The people who are dogmatic, who are ideologues, are on that side of the House, not over here.

Hon. B. Stephenson: No, sir.

Mr. B. Newman: Mr. Speaker, I rise to make a few comments on this bill, and at the outset would like to bring to the attention of the members of the House and the minister, the comments made by a gentleman who practises law and deals particularly in litigation involving job safety.

The individual is a Mike Stoyka who, in comments before an association meeting, made the following observations: "The On-

tario Health and Safety Act has improved working conditions in Ontario industries since its creation in December of 1976 but suffers from a vague definition of terms," according to him. "Mike Stoyka, a criminal and labour lawyer who has been involved with health and safety regulations for three years, told about 100 members of the Essex county division of the Industrial Accident Prevention Association that the Act does not define unsafe conditions."

That's been his principal gripe. We certainly hope that the new Act would define it a little more specifically so that when he has clients whom he is attempting to show they were in the right he is on safe grounds and the unsafe conditions are clearly specified.

"Mr. Stoyka said the lack of definition has created some problems in interpreting the law, particularly as it applies to industrial-created diseases such as silicosis which became prominent in the mining industry two years ago.

"But, overall the legislation has created a new spirit of co-operation between management and labour in the identification of work hazards."

So it has been a step forward, and we hope that we could step a little further forward in respect to the new legislation.

My comments will be essentially on toxic substances. It does concern me very much that we are now approaching a chemical nightmare as far as job hazards are concerned.

We can all recall, not too long ago, the unusual experience in the town of Seveso in Italy where a substance called tetrachlorodibenzodioxine, or TCDD, had been sprayed around in the area and, as a result, they had to completely evacuate the town. It was such a horrible chemical that it only led to extreme disaster.

The United States had a similar experience in the town of Verona, Missouri, where 515 people had to be evacuated from the town as a result of the manufacture of the same chemical. The chemical is so dangerous that the company, when it went into bankruptcy, sold some of it to an individual who used it to overcome dust problems. That man sprayed the oil on the earth floors of three horse arenas in Missouri. Many animals were killed and some humans made sick, although it wasn't until four years later that scientists at the communicable diseases centre in Atlanta discovered that TCDD had been the cause.

You can see, Mr. Speaker, the long range effects that some of the new chemicals are having on us in general and, specifically, on the individual who may be in the work place,

either manufacturing or exposed to the chemical.

On February 20, 1977, a fairly comprehensive article appeared in the Detroit Sunday News headed: "Modern Perils for Pauline—Dangers Lurk in Women's Jobs.

"Chronic exposure to chemicals in factories, offices, foundries, auto plants and even hospitals is a danger most workers are not aware of."

I'll read the whole article because it lists so many dangers involved in so many work places that the employees are exposed to these hazards it is frightening to contemplate what could actually happen if this were not controlled.

"They are nine to fivers—secretaries, office workers and other women employees, whose routine jobs lack all the splashy glamour and risks seen in their homes on television.

"But there may be different kinds of risks—unseen and unknown—all around them at work.

"The culprit is the ubiquitous chemical, and it affects the lives and health of both men and women in a number of jobs and over a wide range of manufacturing processes.

"Because women workers tend to be older and get less desirable jobs, however, their problems are magnified, in the view of some labour union representatives, consumer health groups and researchers.

"There have been worse times for women in the work place, of course.

"In 1908, for example, more than 1,250 women and children working in match factories had their jawbones disfigured by phosphorous used to produce match heads. Four years later, 154 women died in a New York garment factory fire. The building was not equipped with fire escapes and the doors were locked from the outside.

"'Deathtrap' sweatshops like these no longer exist. For the most part, they've been replaced by well-lit, relatively clean workrooms. But take a closer look.

[5:15]

"According to Dr. Janette Sherman, a Southfield internist, women often face hazardous jobs as an indirect result of their role as mothers.

"'A lot of women wait until their children are grown up to go to work. And when they finally do, a lot of them work in small plants making small parts for the auto industry,' she explained.

"Dr. Sherman said she knows of at least three women who now have lung disease after less than a year's exposure to polyurethane on the job. Adhesive and insulation

workers, lacquer and plasticizer workers, textile processors and upholstery makers work with TDI"—which is toluene diisocyanate—"used in the production of polyurethane.

"She has also seen women with sores in their noses, sometimes breaking entirely through, among workers who chrome-plate small parts. Inhaled as dust, mist or fumes, chrome can cause eczema, ulcers of the skin and cancer.

"Women who never set foot in factories also face exposure to harmful chemicals.

"In her workbook, 'Working For Your Life: A Woman's Guide To Job Health Hazards,' Andrea Hricko, health co-ordinator for the labour occupational health program at the University of California, Berkeley, warned women in almost every field, from office worker to hair stylist, of job hazards around them.

"Approximately 10 million female clerical workers are exposed to potential danger from asbestos in the air conditioning, chemicals for office machines, noise, solvents, ultraviolet lights and poor ventilation. Hazards range from poorly designed chairs to liquid 'eraser'.

"'At last one of these fluids,' reports Ms. Hricko, 'is known to have contained trichloroethylene, a chemical which can cause headache, fatigue, nausea, vomiting and confusion with acute exposures and that has recently been implicated as a cancer causing chemical.'

"Compounding the problem, many solvents found around the office are not labelled with chemical components.

"Detroit lawyer Jeanne Mirer, of the centre for urban law, who once handled worker's compensation cases, said she knows of women office workers who have complained of headaches and dizziness from contact with correction and stencil fluids.

"Nearly 15 million women face similar work related health hazards, Ms. Hricko maintains. Beauticians, dental assistants, flight attendants, textile workers, dry cleaners, laboratory workers and a host of other jobholders are exposed to harmful chemicals that can cause everything from dermatitis to death.

"A study by the National Institute of Occupational Safety and Health (NIOSH) in the United States gives hair stylists reason to worry, Ms. Hricko pointed out.

"It found twice as many symptoms of lung disease in hair stylists with the longest exposure to hair spray. A bacterial study on hair dyes revealed that 89 per cent of the 169 hair dyes tested produced mutations.

"Dental workers have also been tested. In a survey of 303 dental workers, those showing the most exposure to mercury vapour were 107 dental assistants, all young women, who mixed mercury amalgams for filling cavities.

"Textile and apparel workers . . . daily handle chemicals untested for chronic effects of exposure. Recent tests by the National Cancer Institute with a flame-retardant chemical called TRIS, commonly used in children's sleep-wear, show it to be carcinogenic. Tests conducted as early as January last year aroused suspicion about the chemical.

"The chain of those affected by TRIS is dangerously long. 'Chemical workers manufacture the flame-retardant; children may suck on their pyjamas, and the flame-retardant material touches their skin . . . Textile workers may actually touch the chemical itself; apparel workers may handle and breathe treated fibres.'

"The study of these harmful chemicals has barely begun,' said Portia Hamlar, Chrysler attorney who handles Occupational Safety and Health Administration litigation. She spoke on the legal implications at a national conference exploring women's job hazards.

"Ignoring this problem is consistent with ignoring female problems in general. Prior to the last 10 years, women were not looked upon as permanent or part-time employees, as a rule . . .'

"Working women have not only themselves to think of, but the health of their unborn child,' said Ms. Hricko, a four-year veteran of Ralph Nader's Public Citizen's Health Research Group and a member of the task force on health hazards for the Coalition of the Labour Union Women.

"The majority of women workers are in their childbearing years, and the federal government recently estimated that over one million of these women may be exposed to chemicals that could harm their babies in some way,' she added.

"Among the work places where this potential danger may exist is, ironically, the hospital. Dr. Thomas Corbett, an Ann Arbor anaesthesiologist, became suspicious of chronic exposure to anaesthetic gases when he discovered his wife could sniff out certain gases on his breath, even when he wasn't directly exposed to them.

"He began a survey of 621 female nurse anaesthetists in the state in 1973 and found an incidence of cancer three times as high as expected . . .

"In a much larger study"—sponsored by NIOSH in the United States and the American Society of Anaesthesiologists—"he found

1.3 to two times the incidence of spontaneous abortions in exposed women. The incidence of congenital abnormalities among babies was double"—as a result of exposure.

"The mounting evidence that something is amiss in the operating rooms has nurses concerned, said Margo Barron, chairperson of the University of Michigan Professional Nurse Council, which brought up the health issue during the 1976 negotiations at the hospital.

"It's the chronic exposure to low doses of these gases day in, day out,' said Ms. Barron, who works in the surgery outpatient unit at University Hospital . . .

"Leaving a job is not necessarily the answer, said Ms. Hricko; nor should industry ban pregnant women from jobs considered unsafe . . .

"Some employers are refusing to hire women of childbearing age unless they can no longer bear children—instead of cleaning up the work place so everyone is protected.'"

"General Motors, for example, has a long-standing policy of keeping women who are able to bear children out of its lead operations and soldering jobs. Lead has been known to cause reproductive problems, specifically miscarriages . . .

"However, the company began transferring women out of its Canadian operations two years ago. The push made national headlines when a worker, Norma James, had herself sterilized in order to keep her night shift job in an Oshawa, Ontario, battery plant.

"Of all the industrial chemicals, lead and its effects have probably been publicized the most . . . The outcome of the lead issue will probably decide whether or not industry can continue to treat women differently from men.

"In an up-coming conference on lead standards in March, speakers . . . will argue that there is scientific proof that lead also endangers the reproductive systems of men and produces blood disorders in blacks . . .

"Chemicals do not pose the only danger. When Detroit lawyer Linda Miller Atkinson attended a 1975 National Safety Council convention in Chicago, she walked among the 730 displays of safety equipment manufacturers had put out.

"Out of the five who sold fire-fighting equipment, none of them had a fire suit, boot, or equipment to fit women,' she said. Although the safety regulations require equipment for certain factory jobs, few safety face masks are made to fit women.

"There is one danger that working women are exposed to, said Ms. Atkinson, who

handles Workmen's Compensation cases. On-the-job stress seems to hit women" more than it does the male.

Hon. B. Stephenson: That is not proven scientifically.

Mr. Nixon: It is not scientific?

Hon. B. Stephenson: There have been studies about that and they are not accurate.

Mr. B. Newman: It may not be so. All I can tell the minister is what I read from the article as published in the Detroit Sunday News on February 20, 1977. The minister as a medical doctor could probably find faults with other comments made in the article. But I read the article to point out the inherent dangers in playing with chemicals when they have not been tested properly, and when they are not as safe as sometimes we are led to believe.

Mr. Lewis: Did you see the medical association medical report on the jaundice of a child from breast feeding by a woman having lunch with her husband in an unsafe environment? And there is no testing in this bill?

Hon. B. Stephenson: Yes.

Mr. B. Newman: Mr. Speaker, I would like to make few other comments, but simply read certain newspaper headlines. April 17, Detroit Free Press, "Miscarriages Tied to Work Hazards." "Lead Poisoning: A Worker Worries." "Pajamas, a Cancer Threat," that as a result of TRIS the chemical used.

Hon. J. A. Taylor: Stop wearing pajamas, Bernie.

Mr. B. Newman: TRIS was also used and continued to be used up until this year in the General Motors plants where they used seat cover reinforcing strips treated with TRIS. Now General Motors has abandoned that practice I think, and in place of the chemical TRIS they've used a chemical called Fyrol FR-2. They find that chemical is more dangerous than was TRIS, and it was the substitute used as a fire retardant.

"Herbicide Cancer Warning"—so you can see the exposure to which our farm friends are in danger. "Farm Chemical a Sterility Peril."

Mr. Martel: That is why you should support the reasoned amendment.

[5:30]

Mr. B. Newman: EPA—that's the Environmental Protection Agency—makes mention of DBCP, a common pesticide, as being extremely dangerous. There is pentachlorophenol now found in cattle. There is benzene which I see has been listed as one of the chemicals

that could not be used, benzene being dangerous in the home.

In the state of Michigan we had the PBB problem, where the fire-retardant was accidentally sprayed on animal feed, and the horror stories that have resulted from that, and which still have not been resolved. From the PBBs we get into the PCBs. I hope that in the legislation, or the regulations, there will be something to cover the workers who will be involved with the new PCBs, the incineration of PCBs, the drivers who are going to handle the vehicles, those who are going to have any type of exposure to the PCBs. Because it is a chemical that, when one realizes its dangers, one has to wonder why our scientists ever invented it.

Another area brought to my attention, is aerial spraying. I know a lady by the name of Mrs. Dumont lost a son to Reyes syndrome and, if the minister can recall, at one time I discussed that with her. Now she still maintains today that the spraying that took place in her community may have been one of the causes for losing a member of the family.

Hon. B. Stephenson: Was it the bud worm spraying?

Mr. Speaker: Order, please. This is second reading.

Mr. B. Newman: I could carry on with—

Mr. Speaker: This is no time for interjections.

Mr. B. Newman: —with other types of chemicals. I bring to the minister's attention that the toxic substances portion of her legislation has to be toughened and strengthened to the point that we will not be exposed to any of these. We are playing around with things we think we know something about. We don't find after effects from them immediately. They are long-range, and they are devastating in their long-range harmful effects to those in the work force who are exposed to them.

Mr. Lewis: We in this caucus have put forward the reasoned amendment because we believe profoundly that Bill 70 is a singular retreat from Bill 139. We did not want to believe that. As evidence of the good faith with which we greeted the introduction of Bill 70 when I walked out of this Legislature on that day, right after question period—and I think that was true of my colleague from Nickel Belt—we said to the media that this was the omnibus bill which we had all been waiting for and hoped to receive. Instinctively, we wished to support it. On the assumption that a number of things were written in it which were logical, and which

had been promised, we would support it fulsomely.

I must admit that it was only upon a careful reading of the bill and the sudden recognition of what was excluded by way of designated chemicals, that I, and my colleagues, were extremely disturbed to realize that this was not a major advance in omnibus occupational health legislation. That this was, in fact, in some particulars, a retreat.

I ask you to recall, Mr. Speaker, the incredible revelation that occurred on the day the bill was introduced into the House. When we walked out of the House it emerged that asbestos, the single greatest contaminant in the work place—I challenge you to name one that is a more documented hazard than asbestos—was not then to be included on the list of the designated substances viewed as a standard, rather than as a guideline.

Now any bill that can be brought in with that much bad faith at the moment of introduction is immediately suspect. I know the minister went outside the House and chatted with the media and said something about a committee still sitting and still working and deciding whether or not asbestos should be designated as given a certain standard, presumably two fibres per cubic centimetre. And overnight, lo and behold, asbestos was given that designation—was incorporated as one of seven substances I guess it is—and we were, in that one particular, appeased.

But it is indicative of the lack of thought about the bill and the lack of commitment to its work that that could have happened.

Hon. B. Stephenson: Those are incredible statements. Absolutely incredible.

Mr. Lewis: With respect to the minister, it is inconceivable that in Ontario in 1977 she could introduce a bill of this kind and not have asbestos as a designated standard. It is not possible.

If anyone in that blessed occupational health division of hers, or the minister, had given it adequate thought I submit to the minister, through the Speaker—and I don't particularly want to get exercised about it; I want to make what I think are a series of simple and plausible arguments—it is simply a reflection of the way in which this legislation is being treated. It is not being treated with sufficient importance. The minister is making what she believes to be marginal improvements on Bill 139 and which we know to be retrograde steps.

Hon. B. Stephenson: Balderdash. Absolute balderdash.

Mr. Lewis: With great respect, retrograde steps. I can recall that little happenstance when Bill 139 was brought in when the minister asked me for the amendments that day, back at the end of 1976 and I journeyed across the floor and gave the minister 30 or 40 pages of amendments. She looked at me as though I were mad and she said to my colleague from Nickel Belt later on; "How dare the member bring in these amendments? Our omnibus bill will cover it all."

Hon. B. Stephenson: How dare you? Right. Exactly. Exaggeration. Gross exaggeration as usual.

Mr. Lewis: Well, "How dare you" may be a slight poetic licence. She said, "How can you bring these in after all we promised you? This is only intermediate legislation."

Mr. Laughren: Worse than that.

Mr. Lewis: Well, I think in fact the minister abused you and was quite agitated, yes.

Interjection.

Mr. Lewis: It was quite out of character for this minister, who is usually restrained, of course.

Hon. B. Stephenson: Just keep on going, I won't leave.

Mr. Lewis: Mr. Speaker, I want to point out to the minister that her intermediate legislation last year was better than her present legislation. I want to tell her something which she will find hard to accept because she is not a person of what one might call infinite flexibility. I say to the minister, through the Speaker, we would prefer to stay with Bill 139 rather than many of the sections of this bill. We would prefer it. We would actually prefer it.

I want to tell you why, Mr. Speaker, and I interject on the Speaker's behalf to say that the galleries in this august assembly are not allowed to participate in the debate, even by way of adoration or clapping.

Mr. Nixon: Did you say adoration or clapping?

Mr. Lewis: Yes. Leaping from the galleries, I meant, and clapping audibly and other functions. Mr. Speaker—

Mr. Nixon: It's awfully hard for the jammed gallery to contain themselves.

Mr. Lewis: The minister went around the province in the early part of 1977 soliciting contributions from the trade union movement and observations and submissions on the bill and she got them. And now—

Hon. B. Stephenson: From employers as well. The important part of the equation.

Mr. Lewis: And from employers as well. And now when she brings in the new legislation, the trade union movement almost universally has condemned it.

The Minister of Labour takes this very much in stride, she thinks "Well, so be it. So what?" But the fact of the matter is that when this kind of legislation, which cannot work without the support of the trade union movement, is universally indicted by them, it should make the minister and her colleagues pause. Does it make her pause? It drives her forward.

I think the minister and her colleagues get a positive exhilaration out of the opposition of the labour movement because it confirms in their minds that they have fashioned a bill satisfactory to the employers of the province of Ontario.

Hon. B. Stephenson: That is hogwash. You are guilty of gross exaggeration constantly, just constantly.

Mr. Mackenzie: That's what you are guilty of.

Mr. Lewis: I am sorry to agitate the minister, but I must say if any other Minister of Labour were to bring in a bill of this kind and have the opposition of the trade union movement most directly affected by it, she would withdraw the bill. She would withdraw the bill. It is simply not fair. It is not possible for the bill to work adequately. Either she imputes—

Hon. B. Stephenson: It will, when they understand the bill.

Mr. Speaker: Order. The hon. minister doesn't have to interject at every comment. She will be given ample time to conclude the debate.

Mr. Lewis: Sure, of course.

Hon. B. Stephenson: Will I have two hours, Mr. Speaker?

Mr. Speaker: You will have as long as is necessary.

Hon. B. Stephenson: Two and one half then please.

Mr. Lewis: I'm sure that's true.

If the Ontario Federation of Labour and the Steelworkers and the Auto Workers and CUPE and the Textile Workers and a great many other organized trade union groups, representing hundreds of thousands of workers in the province, all them with a vested stake in occupational health, all of them who wanted to believe that this would be a good bill, all of them who participated in its forma-

tion by coming to the meetings and making submissions in good faith, if they collectively say that the bill isn't doing the job, then the bill should not be proceeded with in this form. Because they are the people affected.

My colleagues from Nickel Belt and from Hamilton East put it very well. It is a working class reality. It is the workers of the province of Ontario who are governed by the content of this bill. The minister can't just dismiss the observations of their representatives. It is a grave mistake on the part of her government not to have listened to what they've said.

Hon. B. Stephenson: No one has dismissed them.

Mr. Mackenzie: You are not listening.

Mr. Lewis: My colleagues who spoke earlier indicated to the minister that one of the things which was really a bother was the whole question of health and safety committees. That's why we have indicated that particular area as part of our reasoned amendment. How can the minister possibly ask the trade union movement or the New Democratic Party in this Legislature to believe she's operating in good faith when in the process of Bill 139, so far as we know, over a period of 10 months, she allowed for the formation of no health and safety committees at all, which were recommended by the unions. How can she justify that?

The minister was interjecting so volubly when my colleague from Nickel Belt was talking about the differences between Bill 139 and Bill 70 that I went and read them both in conjunction carefully again. Let me say categorically that it was entirely within the minister's capacity to appoint any number of health and safety committees recommended by the workers over the intervening 10 months. The fact that she appointed not even one, for example from local 6500, is evidence that she doesn't really take this legislation seriously at all. It's called bad faith. It says in Bill 139, in section 4:

Hon. B. Stephenson: And you don't know what you are talking about—that's all.

Mr. Lewis: "The minister may, by order in writing, require an employer to establish a joint health and safety committee."

Hon. B. Stephenson: Right.

Mr. Lewis: What words could be clearer than that? Did you do it with 6500?

Hon. B. Stephenson: No, for good reason. Read the letter.

Mr. Lewis: No, I rest my case. I go no further. I want to go to the next point.

Mr. Martel: I read the letter.

Mr. Laughren: No, no reason at all.

Mr. Lewis: The workers asked her. Have they no influence on the minister? They asked her to protect their health by appointing committees. She has the power under the Act, she assures us she will do it, and then she dismisses them.

Hon. B. Stephenson: I didn't dismiss them.

Mr. Lewis: Oh yes, she did. And we'll say why she dismissed them. Because Inco didn't want those committees. And when the chips—

Mr. Laughren: The company didn't want them.

Hon. B. Stephenson: No, you didn't read the letter and you don't understand.

Mr. Lewis: My colleague quoted the letter into Hansard.

Hon. B. Stephenson: No he didn't.

Mr. Lewis: Oh yes, he did.

Mr. Speaker: Order, will the hon. minister come to order please. If you are going to have any time at the end of the debate I suggest you allow the speaker to go uninterrupted now.

Hon. B. Stephenson: He will go on forever anyway.

Mr. Samis: No self control.

Mr. Lewis: I could quite happily go to 10:15. Yes I could quite comfortably do that.

Hon. B. Stephenson: By all means, go ahead.

Mr. Lewis: We also objected and included in the reasoned amendment the whole matter of the exclusion of large numbers of workers in Ontario. I think the Liberal Party has spoken to that as well. Its labour critic who began this debate spoke to that.

Mr. Mancini: Did a good job too.

Mr. Lewis: Yes, not only in terms of OPSEU and the number of categories that were excluded but right through to the question of the people who work on delivery from the breweries. All of these categories of workers should be included. The fact that they're excluded from the bill is intolerable. On top of that—

Mr. Mackenzie: Offensive as well.

Mr. Lewis: —the section in the bill on toxic substances is painfully, terribly deficient. On the basis of that section alone we could not possibly support the bill as it now stands.

[5:45]

If one accepts what is generally conventional wisdom, that 80 to 85 per cent of all cancers in contemporary society have en-

vironmental causes and if one now accepts what more and more scientists are telling us—and it's what the member for Windsor-Walkerville spoke to, about toxic substances—that these terminal illnesses are more and more frequently caused by exposure to chemicals in the work place, then it is the better part of common sense, Mr. Speaker, to have a pretesting and prescreening apparatus built into the whole procedure provided by the province of Ontario. We do not have that. Worse still, we do not have it at the federal level.

At the federal level, we have something called the Environmental Contaminants Act. There's a fine little Science Council of Canada background study, October 1977, entitled "Canadian Law and the Control of Exposure to Hazards," which deals with the Environmental Contaminants Act and points out—and I know you will be interested, Mr. Speaker—that the federal legislation does not allow for spontaneous or adequate pretesting, does not allow for the look at chemicals before they are introduced into the work place.

If it is true that we introduce 2,000 to 3,000 new chemicals and chemical compounds and chemical combinations into the work place every year, how can we bring in an Act of this kind which does not have a testing apparatus embedded in its content? It's simply impossible for us to support that kind of legislation without bringing in a reasoned amendment. It means, very simply, that we're going to continue to have tragedy upon tragedy in the province of Ontario, noted only 15 or 20 years after the effect, because we have been so negligent and deficient in the pretesting of chemicals when they're going to be introduced into the work place.

The minister may say that it's not our job to do. That's for the Food and Drug Administration to do. That's for the federal Environmental Contaminants Act to do. I say with respect, Mr. Speaker, if other jurisdictions waive their right or their obligation, then it's necessary for us as the most highly industrialized province in this country to undertake it. This Act makes no provision for it.

More than that, this Act has set up this invidious business of standards and guidelines whereby you give to a handful of chemicals—seven, I believe, in number—certain standards which must be complied with and then the whole range of everything else. And this includes, as I think my colleague from Hamilton East was saying, benzpyrene in the coke ovens of Ontario. All the other hazardous and dangerous areas are left purely to guidelines.

There was, in the study which I referred to, a reference to guidelines and the regulations that they provide. I just want to read it into the record: "The data show that regulators seem to have a clear preference for issuing guidelines rather than regulations." Why? What effects does this practice have? We've already noted that guidelines are not enforceable and that they are very much more difficult for researchers and other members of the public to find. No doubt, they can be changed more quickly than regulations, but perhaps the loss in enforcement and publicity is too high a price to pay for greater flexibility.

All that the researchers are saying is that if you set out guidelines rather than standards and let industry get away with a constantly fluctuating level, you end up counting the bodies 20 years down the road. And a great many of us in this Legislature are tired of counting the bodies. We're just tired of it. May I point out to the minister through the Chair that just today there is an article in, I guess, *The Globe and Mail*; and it's the first time I've seen it. It's about the first two cancer cases coming out of Eldorado Nuclear at Port Hope, each of them with over 20 years' work experience, both of them lung cancer, both of them now before the Workmen's Compensation Board to attempt to establish the association between exposure in Eldorado Nuclear and the incidence of lung cancer.

Virtually every time one turns around nowadays there is yet another example of a serious carcinogen in the work place, or another example of disease or fatality as a result of exposure. To go through a piece of legislation which does not have pretesting and has only six or seven standards is to bring into Ontario occupational health legislation which it is not possible, in good faith, to support.

I want to say something terribly controversial. In a sense, I apologize in advance for saying it but I want to say it anyway, because I couldn't rest easily if I didn't. There is, everywhere in the province of Ontario that I've had contact with—the contacts may be limited—a widespread feeling among the trade union organizations, in many of the university settings, among a good many scientists with whom I've had contact, a great disillusionment and unhappiness with the new occupational health division within the Ministry of Labour.

Mr. Laughren: It didn't take long.

Mr. Lewis: I think it is important for the minister to know, that there is a gradual feeling out there that the new occupational health division, instead of being a consolida-

tion of the best knowledge we have with a determination to enforce, is once again playing the apologists' role; that their voices are muted; that their energy is misdirected; and that they are nowhere nearly tough enough about the contamination to which workers are exposed. To put it in a simple phrase, it is a very bitter disappointment.

I just want the minister to know that it is a widespread opinion that the much-heralded business of this new occupational health division with—what is it?—an associate deputy minister, or an assistant deputy minister, just isn't washing. People feel no more vigour, sense of urgency, direction and toughness from them than they felt in the desperate division of obligations in all the previous ministries.

I don't know what happened. I don't know where it went wrong. I have a feeling my colleague from Sudbury East may speak to that as well this evening.

Mr. Martel: Yes.

Mr. Lewis: I want to emphasize that there is a loss of confidence and trust among the trade union movement in particular, but I have a feeling it goes beyond that, in the energy and the focus with which this division is bringing to occupational health. That may be simply because the minister plays a role which seems so often to impede rather than to encourage reform in the field of occupational health.

This doesn't help very much when it is added to the reality of the Workmen's Compensation Board, which continues to drive most of us in this caucus to distraction. I don't have to deal with it in this legislation. It is mentioned in the bill on a couple of occasions, but given that the Workmen's Compensation Board excites no confidence among members of the New Democratic Party, where occupational disease is concerned; given that the occupational health division emerges as something of a disappointment, then you can see, Mr. Speaker, why we would wish written into the legislation itself a far greater expression of tough, disciplined, no-nonsense enforceability, and it's not there. It's just given to endless vaguery. Imagine, a bill of this kind where the regulations allow, in 40 separate clauses, the Lieutenant Governor in Council to do virtually anything and everything.

So we have again asked in our reasoned amendment, I think entirely logically, that those regulations be made available to the Legislature and, in fact the list of hazardous and toxic substances be made available to the Legislature prior to any intended passage of

this bill. There is too much lacking in the bill; too much that is wanting in the bill.

Look at the section which attests to the last item which we have in our reasoned amendment, the section on the right to refuse unsafe work. That is a distinct retreat from Bill 139. This bill introduces the potential for intimidation of workers who would wish to refuse unsafe work that Bill 139 did not have.

If you want to perform a service in this Legislature, then withdraw these sections from Bill 70 and replace them with Bill 139. The irony is the minister herself has attested to the value of those clauses as they previously worked. Now they bring in amendments whose only purpose can be to undermine that value.

In other words, Mr. Speaker, this bill is just wanting on too many fronts. I know the members of the Liberal Party want to see the bill come in. They want to see us get on with occupational health. Who in this Legislature would wish it otherwise? As I say, when the bill was introduced, when we first directed ourselves to it, we intuitively, instinctively wanted to endorse it. In fact, a couple of us went far out on a limb and did so before we read it, so anxious were we to believe its contents were valuable.

I think it's important for this Legislature to recognize that the contents are not a significant step beyond Bill 139. If we were, in good faith, to return this bill to incorporate the strengthening features which we put in our reasoned amendment, then Bill 139 can serve happily in the interim because Bill 70 takes us no further.

In fact, Bill 70 takes us back sufficient that it is the kind of legislation which takes enormous affrontery to introduce.

Hon. B. Stephenson: You are suffering from cerebral ossification.

Mr. Lewis: Well, let me tell the minister cerebral ossification is an occupational health hazard in this Legislature. It has afflicted a number of cabinet ministers for a very long time. Mr. Speaker, I guess this fits nicely with the ending I want to make as we approach 6 o'clock. I believe the cabinet and the ministers, for a reason that is utterly beyond me, have decided to dig in their heels and take a position on this bill which isn't really very logical. I don't really understand it, nor do my colleagues understand it. All we are saying to the minister is there are certain principles inherent in this bill which surely can be embodied in a much more thoughtful and effective way:

One, the mandatory setting up of the safety and health committees in a fashion which will allow them to occur—to be appointed, rather than to stand in limbo forever. Imagine 10 months under Bill 139 and not a single additional health and safety committee in Ontario.

Hon. B. Stephenson: You are wrong.

Mr. Lewis: Well, certainly not in the important areas like Inco for example and Sudbury, because the minister didn't want to appoint them.

Hon. B. Stephenson: Many important areas.

Mr. Lewis: Imagine a bill with a Toxic Substances Act where only seven substances are designated as standards when the minister herself knows the problem of guidelines. Imagine a bill which doesn't require pre-testing and prescreening in a province like Ontario where the chemical hazards are so great.

Imagine a bill which retreats on the right of a worker to refuse to perform unsafe work when the minister herself admitted publicly that it worked effectively under Bill 139. Why does she change it significantly under Bill 70?

Imagine a bill which excludes from its content a large number of workers in the province of Ontario about whom we know there are hazardous exposures. The minister has conceded it, whether it is in the public sector or certain aspects of the private sector. In other words, Mr. Speaker, if in good faith, we want to bring in health—I don't want to fight with her about it terribly—I just want to put the case.

Hon. B. Stephenson: Oh yes you do.

Mr. Lewis: No, I don't frankly. If we want to bring in a bill which has good occupational health and safety legislation and she said it would be omnibus and it would be a significant improvement on 139 and we accepted that in good faith at the time—

Hon. B. Stephenson: And the mechanisms are here to do it.

Mr. Lewis: Then why haven't we done it? Why is our progress, if anything, lateral rather than substantial? That's why in good faith we moved the reasoned amendment. We have told the minister the areas in which she can strengthen the bill and have

said to her: "Look, Bill 139 is just as good at the moment. Continue along with it and for heaven's sake, let's improve the principal particulars of this bill before us now."

I shan't prolong it further. My colleagues will pick up and pursue it this evening. I guess I should take my seat and somebody

else will move the adjournment of the debate.

Mr. Sweeney moved the adjournment of the debate.

Mr. Speaker: The hon. member for Kitchener-Wilmot has the floor next.

The House recessed at 6 p.m.

APPENDIX

(See page 2195)

Answers to questions were tabled as follows:

37. Mr. Makarchuk—Inquiry of the ministry: 1. Will the minister list all retainer fees and fees for special services, as well as any other payments, made to the law firm of Mills and Mills by OECA, Ontario Education Communications Authority? 2. What is the salary paid by OECA to Dr. Jim Dator, futures expert; what are the terms and length of the contract? Are any trips to Hawaii included in the contract? Are any grants paid for purchase of winter clothing to Dr. Dator; if so, how much? 3. How many conferences did senior officials of OECA attend in 1976? Where did they go and at what cost? 4. What was the cost of the OECA, Futures Conference held at Inn on the Park in 1976? Who were flown in for the conference and what was produced from it? 5. Who pays for the expenses of the chairman's wife when on OECA trips and what is the average spent on accommodation per day on each of the trips? 6. How many colour TV and video playback sets have been put in the homes of OECA staff? How long are the sets kept there and what is the value of the equipment? 7. What was the total amount of expenses incurred by OECA officials for liaison with other public broadcasting agencies in the world? 8. How much did it cost OECA in 1976 to enter and attend film festivals? 9. How many OECA officials attended the 1976 Cannes Film Festival? What was the total cost? (Tabled November 3, 1977.)

Answer by the Minister of Culture and Recreation (Mr. Welch):

1. The firm of Mills and Mills is not paid a retainer but is paid on a fee for service basis. For the fiscal year 1976-77, the following amounts were paid: Matters relating to network expansion, \$20,822; services to the board of directors, \$16,865; corporate matters (contracting, opinions, litigation), \$69,298; total: \$106,985.

2. Dr. Jim Dator was employed by the OECA for a two-year period, from September 1974 to August 1976. The total amount paid under Dr. Dator's contract was \$75,133. While the contract did allow for trips to Hawaii at six month intervals, the OECA only paid \$440 relating to one trip actually taken. Included in the total amount paid was \$4,650 relating to expenses incurred for winter clothing by Dr. Dator and his family (five persons).

3. For the fiscal year 1976-77, eight senior executives of OECA attended a total of 21 conferences at an approximate cost of \$13,000. The titles and locations of these conferences are as follows: Video Disc Programming Conference, New York; Council for UHF Broadcasting, Washington; Agency for Tele-Education in Canada Administrative Council, Quebec; Canadian Association for Adult Education Board Meeting, Edmonton; European Broadcasting Union, Helsinki; Canadian Broadcasting League Annual Meeting, Halifax; European Broadcasting Union Video Disc, Oslo and London; Public Service Satellite Consortium, Washington; National Association of Educational Broadcasters Ascertainment Seminars, Columbus, Ohio; Open University Research and Evaluation Conference, England; National Association of Educational Broadcasters Conference, Indianapolis; National Association of Educational Broadcasters Conference, Chicago; Canadian Education Association Conference, Halifax; Association for Educational Communications and Technology, Paris; Agency for Tele-Education in Canada Programming, Banff; Canadian Association of School Administrators and Canadian Educational Association Conferences, Halifax; Annual Ontario Association of Education Administrative Officials Conference, London, Ontario; World Future Studies Conference, Dubronik, Yugoslavia; The Association of the Scientific, Engineering and Technological Community of Canada, Kitchener; National Association of Educational Broadcasters, Boston; OCUC Conference, Kingston.

4. There was no OECA Futures Conference held in 1976.

5. The OECA has never paid any expenses for the chairman's wife.

6. There are 27 colour TV monitoring sets in the homes of OECA staff members on temporary loan. These sets are subject to recall at any time and most have been recalled for production needs at least once. The average original cost of these sets is \$425. There are 12 video tape playback sets on loan to OECA staff members and located in their homes. These sets have an average original value of \$1500.

7. In the fiscal year 1976-77, approximately \$11,000 was spent on liaison with public broadcasters, of which \$2,700 is also included

in senior officials travel to conferences outlined in the response to question No. 3.

8. During 1976-77, the OECA had entries in 32 festivals and won awards in 15 of these. Total entry costs were \$4,100. Attendance at six festivals cost the Authority \$3,100.

9. One OECA official attended the 1976 Cannes Film Festival in conjunction with a production trip to the BBC in Britain. The costs incurred for the Cannes part of this trip were \$1,100.

39. **Mr. Breagh**—Inquiry of the ministry: With respect to the land the Ministry of Housing expects to have marketed by the end of this fiscal year for some 2,400 residential units, would the minister please indicate the name of the municipalities containing this land; the number of acres which is represented by these 2,400 residential units; and the price per acre of this land? (Tabled November 10, 1977.)

Answer by the Minister of Housing (Mr. Rhodes):

Attached is the response outlining the municipality, acreage and the total book value for each parcel. It is not possible to establish the price per acre on any of these holdings since servicing costs were added subsequent to the original purchase.

If there is any further clarification that you require, please contact Mr. R. W. Riggs, Assistant Deputy Minister, Community Development, at 965-9041.

Projected Land Sales
Fiscal 1977-78

Municipality	Acreage	Provincial and Federal Developed Land Costs (Thousands of Dollars)
Belleville	3.1	228.0
Brockville	19.0	971.1
Espanola	2.4	144.0
Hamilton	7.3	238.0
Kitchener	63.0	2,117.2
London	5.9	378.0
Metro Toronto	167.4	16,887.1
Niagara Falls	8.0	436.0
Oshawa	5.6	302.5
Ottawa	18.0	1,119.8
Sarnia	5.3	350.0
Windsor	12.2	1,328.6
Totals	317.0	24,500.0

40. **Mr. Ziemba**—Inquiry of the ministry: Will the Treasurer please table all loans arranged in the early 1970's in Germany and indicate how much money was involved, exchange rate of interest and the amounts of loans and interest outstanding? (Tabled November 15th, 1977)

Answer by the Treasurer (Mr. McKeough):

The information requested on the four original German loans (series EG, ER, ED and EF—domiciled in Frankfurt, Germany) was reported on page 42 of Volume I of the Public Accounts 1972-73; the information on the loans currently outstanding (series EG and ER) was reported on page 41 of Volume I of the 1976-77 Public Accounts. A copy of each of these pages is attached.

PROVINCE OF ONTARIO
Details of Debentures Outstanding
As at March 31, 1973

Serial or 1973	Maturity July 15 (1973-76)	Date of Issue July 15, 1946	Rate of Interest 2%	Amount Outstanding			Series	Call Provisions	Domicile
				Investments by the Province \$	Held by the Public \$	Total \$			
1973	July 15 (1973-76)	..... July 15, 1946	2%	293,000	6,272,000	6,565,000	BM	Optional redemption (at par) of all unmatured debentures on January 15, 1967, or subsequent interest date, on 30 days' notice.	Canada
1974	Jan. 15 (1974-77)	..... Jan. 15, 1947	2%	329,000	6,413,000	6,742,000	BN	Optional redemption (at par) of all unmatured debentures on January 15, 1973, or subsequent interest date, on 30 days' notice.	"
1975	Feb. 1 (1975-84)	..... Feb. 1, 1969	6½%	.....	40,088,000	40,088,000	EG	Optional redemption, with 3 months' notice, of all unmatured debentures on February 1, 1975 or any subsequent payment date. Premium if called 1 year or more before maturity date.	Frankfurt, Germany
1980	Sept. 1 (1980-87)	..... Sept. 1, 1972	6	.....	30,757,222	30,757,222	ER		"
Straight Term Issues									
1973	April 15	..... April 15, 1964	5	318,000	7,807,000	8,125,000	DN		Canada
1973	Aug. 1	..... Aug. 1, 1968	6¾%	.....	40,050,000	40,050,000	ED		Frankfurt, Germany
1974	May 15	..... May 15, 1956	4¼%	1,006,500	41,995,500	43,002,000	CG	(X) Earliest callable date, May 15, 1971	Canada
1975	Feb. 1	..... Feb. 1, 1969	6¾%	.....	24,052,800	24,052,800	EF		Frankfurt, Germany
1975	July 15	..... July 15, 1957	5	1,213,000	28,901,000	30,114,000	CL	(X) Earliest callable date, July 15, 1973.	Canada
1976	Dec. 1	..... Dec. 1, 1956	4½%	946,000	26,765,500	27,711,500	CJ	(X) Earliest callable date, December 1, 1974.	"
1977	Oct. 15	..... Oct. 15, 1950	3	175,000	39,015,000	39,190,000	BT	(X) Earliest callable date, October 15, 1975	"
1977	Dec. 15	..... Dec. 15, 1971	6	25,000	24,975,000	25,000,000	EM		"

SCHEDULES TO STATEMENT OF ASSETS AND LIABILITIES
DETAILS OF DEBENTURES AND NOTES OUTSTANDING—Continued
for the year ended March 31, 1977

Date of Maturity	Date of Issue	Series	Interest Rate %	Original Issue \$	Outstanding References \$	
(b) PAYABLE IN NEW YORK IN UNITED STATES DOLLARS						
PUBLICLY HELD DEBT						
May 1, 1983	May 1, 1958	CN	4.000	50,000,000	22,689,000	(12)
Issued on Behalf of Ontario Hydro:						
Nov. 1, 1978	Nov. 1, 1953	CA	3.625	50,000,000	46,097,000	(9)
Mar. 15, 1980	Mar. 15, 1954	CC	3.125	30,000,000	28,861,000	(10)
May 15, 1981	May 15, 1956	CE	3.875	50,000,000	39,652,000	(10)
June 15, 1982	June 15, 1975	EY	8.200	125,000,000	125,000,000	(11)
Feb. 1, 1984	Feb. 1, 1959	CT	4.750	75,000,000	64,380,000	(12)
Nov. 15, 1985	Nov. 15, 1975	FC	8.400	100,000,000	100,000,000	(1)
Sept. 15, 1990	Sept. 15, 1965	DT	4.750	50,000,000	44,666,000	(12)
Apr. 1, 1996	Apr. 1, 1966	DW	5.500	35,000,000	31,377,000	(13)
Apr. 15, 1997	Apr. 15, 1967	DX	5.625	65,000,000	57,829,000	(13)
Dec. 1, 1997	Dec. 1, 1967	EA	6.875	75,000,000	68,395,000	(13)
Aug. 1, 1998	Aug. 1, 1968	EC	7.125	75,000,000	69,040,000	(13)
Feb. 15, 1999	Feb. 15, 1969	EE	7.375	75,000,000	69,225,000	(13)
Sept. 1, 1999	Sept. 1, 1969	EH	8.375	100,000,000	85,420,000	(14)
Feb. 15, 2000	Feb. 15, 1970	EJ	9.250	100,000,000	87,240,000	(14)
Aug. 1, 2000	Aug. 1, 1970	EK	9.250	75,000,000	67,435,000	(14)
May 15, 2001	May 15, 1971	EL	7.850	100,000,000	85,395,000	(14)
May 15, 2002	May 15, 1972	EP	7.700	100,000,000	96,475,000	(14)
Dec. 15, 2002	Dec. 15, 1972	ET	7.300	100,000,000	90,700,000	(14)
Oct. 15, 2003	Oct. 15, 1973	EU	7.900	125,000,000	113,750,000	(14)
Mar. 15, 2004	Mar. 15, 1974	EV	8.600	125,000,000	116,895,000	(14)
Oct. 1, 2005	Oct. 1, 1974	EW	10.250	175,000,000	172,760,000	(14)
Mar. 1, 2005	Mar. 1, 1975	EX	8.875	200,000,000	198,900,000	(14)
Nov. 15, 2005	June 15, 1975	EZ	9.125	150,000,000	150,000,000	(14)
Nov. 15, 2005	Nov. 15, 1975	FD	9.250	200,000,000	200,000,000	(14)
Jan. 15, 2007	Jan. 15, 1977	FG	8.400	300,000,000	300,000,000	(19)
					<u>2,509,492,000</u>	
TOTAL PAYABLE IN NEW YORK IN UNITED STATES DOLLARS					<u>2,532,181,000</u>	
(c) PAYABLE IN FRANKFURT, GERMANY IN DEUTSCHE MARKS						
Feb. 1, 1978 to 1984	Feb. 1, 1969	EG	6.500	40,088,000	28,061,600	(15)
Sept. 1, 1980 to 1987	Sept. 1, 1972	ER	6.000	30,757,222	24,374,483	(16)
TOTAL PAYABLE IN FRANKFURT, GERMANY, IN DEUTSCHE MARKS					<u>52,436,083</u>	
TOTAL DEBENTURES AND NOTES					<u><u>13,274,329,404</u></u>	

CONTENTS

Thursday November 24, 1977

Point of privilege re observance of decorum, Mr. Williams	2179
Rules of the House, Mr. Speaker	2180
Point of privilege re allocation of time for Estimates, Mr. Roy	2180
Point of privilege re Bellevue Nursing Home, Ms. Gigantes	2180
Supplementary Estimates, the Honourable the Lieutenant Governor	2181
Energy conservation, statement by Mr. Drea	2181
Chronic home care, statement by Mr. Timbrell	2181
Intermediate capacity transit system, questions of Mr. Snow: Mr. S. Smith, Mr. Cunningham, Mr. Kerrio	2182
Aid to flood victims, questions of Mr. Davis: Mr. S. Smith, Mr. di Santo	2183
Oil tax, questions of Mr. Davis: Mr. Lewis	2183
Nursing homes, questions of Mr. Timbrell: Mr. Lewis, Mr. Warner	2184
Radar warning devices, questions of Mr. Snow: Mr. Roy	2184
Whitby Psychiatric Hospital, question of Mr. Timbrell: Mr. Breaugh	2185
Rideau Regional Centre, questions of Mr. Norton: Mr. Wiseman	2185
Use of influence, questions of Mr. McMurtry: Mr. S. Smith, Mr. Roy, Mr. Nixon	2185
Bradley-Georgetown Hydro corridor, questions of Mr. J. A. Taylor: Mr. Reed.	2185
Elliot Lake uranium tailings, questions of Mr. Kerr: Mr. Gaunt, Mr. Wildman	2185
Actions of police at Burlington, questions of Mr. McMurtry: Mr. Deans	2186
Hospital scanners, questions of Mr. Timbrell: Mr. Baetz, Mr. Makarchuk, Mr. Foulds ..	2186
Ogoki Lodge, questions of Mr. Welch: Mr. Eakins, Mr. Kerrio, Mr. Breithaupt	2187
Bribery case, questions of Mr. McMurtry: Mr. di Santo	2187
Hydro contracts, questions of Mr. J. A. Taylor: Mr. S. Smith, Mr. Epp, Ms. Gigantes ..	2188
Richmond Hill GO Transit service, questions of Mr. Snow: Mr. Williams	2189
Ogoki Lodge, questions of Mr. W. Newman: Mr. Riddell	2190
Automobile purchases, questions of Mr. Snow and Mr. Auld: Ms. Bryden, Mr. Wildman ..	2190
Home improvement contractors, questions of Mr. Grossman: Mr. B. Newman	2191
Pipe production, questions of Mr. Bennett: Mr. Swart, Mr. Kerrio	2191
Garfella investments, questions of Mr. McMurtry: Mr. Philip, Mr. Foulds	2192
Use of influence, questions of Mr. McMurtry: Mr. S. Smith	2193
British American Bank Note Company, questions of B. Stephenson: Ms. Gigantes	2193
Report, Ministry of the Environment, Mr. Kerr	2193

Report, standing administration of justice committee, Mr. Philip	2193
Report, standing general government committee, Mr. Gaunt	2193
Motion re transfer of estimates, Mr. Welch, agreed to	2194
Motion to appoint select committee on Hydro nuclear plant construction program, Mr. Welch, agreed to	2194
Notice of dissatisfaction re answers to oral questions, Mr. di Santo, Mr. Cooke	2195
Planning Amendment Act, Mr. Rhodes, first reading	2195
Tabling answers to written questions 37, 39 and 40, Mr. Welch	2195
Occupational Health and Safety Act, B. Stephenson, on second reading	2196
Recess	2223
Appendix, answers to written questions	2224

SPEAKERS IN THIS ISSUE

Thursday, November 24, 1977

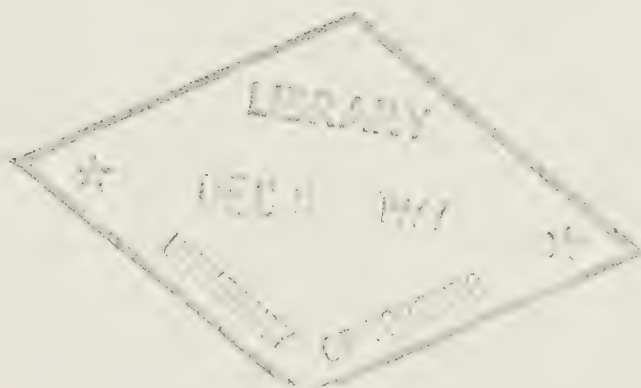
Ashe, G. (Durham West PC)
 Auld, Hon. J. A. C., Chairman, Management Board of Cabinet (Leeds PC)
 Baetz, R. C. (Ottawa West PC)
 Bennett, Hon. C.; Minister of Industry and Tourism (Ottawa South PC)
 Bounsall, E. J. (Windsor-Sandwich NDP)
 Breough, M. (Oshawa NDP)
 Breithaupt, J. R. (Kitchener L)
 Bryden, M. (Beaches-Woodbine NDP)
 Cunningham, E. (Wentworth North L)
 Davis, Hon. W. G.; Premier (Brampton PC)
 Deans, I. (Wentworth NDP)
 di Santo, O. (Downsview NDP)
 Drea, Hon. F.; Minister of Correctional Services (Scarborough Centre PC)
 Eakins, J. (Victoria-Haliburton L)
 Edighoffer, H.; Deputy Speaker (Perth L)
 Epp, H. (Waterloo North L)
 Foulds, J. F. (Port Arthur NDP)
 Gaunt, M. (Huron-Bruce L)
 Germa, M. C. (Sudbury NDP)
 Gigantes, E. (Carleton East NDP)
 Gregory, M. E. C. (Mississauga East PC)
 Grossman, Hon. L.; Minister of Consumer and Commercial Relations (St. Andrew-St. Patrick PC)
 Kennedy, R. D. (Mississauga South PC)
 Kerr, Hon. G. A.; Minister of the Environment (Burlington South PC)
 Kerrio, V. (Niagara Falls L)
 Laughren, F. (Nickel Belt NDP)
 Lewis, S. (Scarborough West NDP)
 MacDonald, D. C. (York South NDP)
 Mackenzie, R. (Hamilton East NDP)
 Makarchuk, M. (Brantford NDP)
 Mancini, R. (Essex South L)
 Martel, E. W. (Sudbury East NDP)
 McClellan, R. (Bellwoods NDP)
 McGuigan, J. (Kent-Elgin L)
 McMurtry, Hon. R.; Attorney General (Eglinton PC)
 Newman, B. (Windsor-Walkerville L)
 Newman, Hon. W.; Minister of Agriculture and Food (Durham-York PC)
 Nixon, R. F. (Brant-Oxford-Norfolk L)
 Norton, Hon. K.; Minister of Community and Social Services
 Norton, Hon. K.; Minister of Community and Social Services (Kingston and the Islands PC)
 O'Neil, H. (Quinte L)
 Philip, E. (Etobicoke NDP)
 Reed, J. (Halton-Burlington L)
 Reid, T. P. (Rainy River L)
 Rhodes, Hon. J. R.; Minister of Housing (Sault Ste. Marie PC)
 Riddell, J. (Huron-Middlesex L)
 Rotenberg D.; Acting Speaker (Wilson Heights PC)
 Roy, A. J. (Ottawa East L)
 Ruston, R. F. (Essex North L)
 Samis, G. (Cornwall NDP)
 Smith, S.; Leader of the Opposition (Hamilton West L)
 Snow, Hon. J. W.; Minister of Transportation and Communications (Oakville PC)

Stephenson, Hon. B.; Minister of Labour (York Mills PC)
Stokes, Hon. J. E.; Speaker (Lake Nipigon NDP)
Swart, M. (Welland-Thorold NDP)
Taylor, Hon. J. A.; Minister of Energy (Prince Edward-Lennox PC)
Timbrell, Hon. D. R.; Minister of Health (Don Mills PC)
Warner, D. (Scarborough-Ellesmere NDP)
Welch, Hon. R.; Minister of Culture and Recreation, Deputy Premier (Brock PC)
Williams, J. (Oriole PC)
Wiseman, D. J. (Lanark PC)



Legislature of Ontario Debates

Official Report (Hansard)
Daily Edition



First Session, 31st Parliament

Thursday, November 24, 1977

Evening Sitting

Speaker: Honourable John E. Stokes

Clerk: Roderick Lewis, Q.C.

CONTENTS

A list of the speakers taking part in the debates in this issue of Hansard appears, in alphabetical order, at the back of this issue.

Daily contents of proceedings also appears at the back of this issue. Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff. Phone 965-2159.

Hansard subscription price is \$15.00 per session, from: Sessional Subscription Service, Printing Services Branch, Ministry of Government Services, 9th Floor, Ferguson Block, Parliament Buildings, Toronto M7A 1N3. Phone 965-2238.

Published by the Legislature of the Province of Ontario.
Editor of Debates: Peter Brannan.

LEGISLATURE OF ONTARIO

THURSDAY, NOVEMBER 24, 1977

The House resumed at 8 p.m.

OCCUPATIONAL HEALTH AND SAFETY ACT (concluded)

Resumption of the adjourned debate on second reading of Bill 70, An Act respecting the Occupational Health and Occupational Safety of Workers.

Mr. Deputy Speaker: I believe the member for Kitchener-Wilmot adjourned the debate. I will acknowledge the member for Kitchener-Wilmot.

Mr. Sweeney: I am pleased once again through you, Mr. Speaker, to Madam Minister, to have the opportunity to speak on a bill dealing with the health and safety of the employees of our province—the workers of our province is perhaps a better way of putting it.

I remember, it seems about a year ago now, participating in the debate on Bill 139, which as someone said earlier is either the mother or the father or something of this particular bill.

Hon. B. Stephenson: It's the parent.

Mr. Sweeney: Mother? Okay. Very good.

Hon. B. Stephenson: No, no. I just call it the parent.

Mr. Sweeney: We'll call it the mother, then, of this particular bill.

I would like to point out that at that time some significant changes were made in that bill before it was passed. The minister may remember one particular one when she agreed to change one section of the Act where we added the health of a fellow worker, or the safety of a fellow worker, in addition to the the worker himself or herself.

I mention that because I and my colleagues have gone on record as requesting, and will be requesting, some changes to this bill. We believe that based upon past experience some changes will be forthcoming.

I would like at this time to suggest that if this bill in fact is a successor or is the follow-up to a previous bill—and there will probably be other bills—that we look upon them in an evolutionary fashion. I would like to suggest, though, that when we look

at evolution I would have to feel that at this particular stage we should be concentrating more than this bill does on that part of the evolution which deals with prevention.

It has been my experience at least—and I understand that too from the minister's own statement—there have been no, or very few, examples where the workers of this province have frivolously treated the previous legislation. We need to take that factor into consideration because there is bound to be some concern on the part of the employers, the contractors, the manufacturers, the management side, that in fact legislation like this could be abused.

We have had almost a year, now, to take a look at what has happened, and I don't think the experience would suggest that that is the case.

I would also like to make one observation at this point in time, that like our colleagues to the left, both ideologically and physically, we are not happy with the way in which this bill is set up. We do want to see changes made, but it is our belief that the purpose of the opposition, the purpose of this Legislature, the purpose of the committee meetings which will follow our debating it here, is to make those changes. That's the purpose for bringing legislation in here. We do not believe that the proper thing is to send it back to the government, to send it back to you, Madam Minister, through you Mr. Speaker, and ask you to make all those changes.

We recognize two things. Number one, that changes are required. We do not agree with the bill as it presently stands. I strongly suspect that Madam Minister recognized that when she brought it into this House. Secondly, we believe that it is the job of this Legislature. It is the job, particularly, of the opposition members of this Legislature—that's why we're here—to recommend, to suggest, to argue for; to do whatever we can within our realm of power and authority to make those changes. I would like to put that on record. I would like also to put it on record that as my colleague the member for Quinte (Mr. O'Neil) has already stated, we intend to bring in quite a number of amendments to

this bill and that in no way are we accepting it as it is now.

We do accept the fact that it is a step forward. It may not be as big a step forward, in fact it isn't as big a step forward as what we would like to see. We will try to make it a bigger step.

Coming back to the point that I mentioned a minute ago about prevention, we think that one of the main ways that prevention will occur is if the health and safety committees be made mandatory. I think it's only fair for us to make it very clear to you that we feel that. Clearly, one of the main ways in which we are going to prevent more health and safety hazards in industry, in our mines and on our construction sites, is if the workers themselves are more involved, if they know right from the very beginning that they have got to be looking for some of the hazards which are facing them. They have got to participate in anticipating some of the hazards which are going to be facing them.

Maybe this is a difference of view between us, but we believe one of the main ways in which that's going to be done is if in every single work place in this province, no matter how large or small, there will be a mandatory committee; even if it's only one worker, because surely that one worker has just as much right to be protected.

Mr. Laughren: Why didn't you support us on Bill 139 then?

Mr. Sweeney: We're coming, we're coming. We accept the fact that this is an evolutionary process. We feel that this is the place to do it. Bill 139 is finished; we're dealing with Bill 70 and let's deal with Bill 70.

Mr. Laughren: You can't suck and blow at the same time.

Mr. Sweeney: I make the point though, that we view it as a preventive measure; not just as a mechanical process, but as a preventive measure. May I just step aside for a minute and draw the minister's attention to the most recent report of the Ontario Cancer Institute? What I'm saying is not new, but in fact it's being reinforced at this very late date by an institute which receives the support of this government, which is partially funded by this government—

Mr. Laughren: Good to hear you are supporting the amendment.

Mr. Sweeney: —and which I understand the government accepts. It says, "Evidence from cancer epidemiology suggests that the

great majority of human tumours are a consequence of environmental factors." I'll just finish that off—I realize it's been said before, it's simply a supporting argument. At the end it says, "If this is so, this would confirm that the environment really is responsible for the great majority of human tumours and would provide an approach to controlling them." There's a whole lot of other things in there. I'm not going to bother reading them. The point we want to emphasize once again is that even a report like this from a prestigious research institute like this, supported by your government, is confirming once again that the environment around us is the largest contributor to cancers.

As one of my colleagues said just a little while ago, the whole area on toxic substances must be strengthened. I would suggest very strongly, and this has also been mentioned by my colleagues in the NDP, that the least that you can put into this legislation, and we will argue for this, is the pretesting of all new substances in the work place.

Time and time again as substances are introduced, we find out later there was something wrong. I appreciate that there is no foolproof scheme. Even though we take the very best efforts, something is going to slip through. We are not suggesting it is going to be foolproof. What we are suggesting is that this approach will certainly reduce, within human frailty, the incidence of this.

The third point I think we can look at with respect to prevention, is a preview, also, of new manufacturing processes. We are also beginning to learn that as we move into advanced technology that it must become mandatory—

Hon. B. Stephenson: It is.

Mr. Sweeney: I'm sorry; I didn't read that in the legislation and the minister will have certainly the opportunity to draw it to my attention and that of my colleagues. It must become mandatory when new processes—and I'm not talking just about chemicals, I'm talking about when processes are being introduced—there has got to be some mechanism within our society, within the ministry, within industry, within construction, within mining, to examine it first and to the best of our human ability, to try to predict where it may be a hazard. We believe this very strongly.

I would step aside just for a minute. It has been my experience that the majority of the cases, at least the ones I'm dealing

with, and I understand many of my colleagues are dealing with at the Workmen's Compensation Board, deal with back injuries; I would suggest a disproportionate share.

And when we are dealing with this piece of legislation I don't see anything really being done about it. It seems to me that month after month—and I was going to say year after year, but I have only been here for two years; although I have talked to some of my colleagues about this and it seems as if it has been year after year—we keep going back to the Compensation Board, we keep meeting these injured workers and a very high proportion of them involve back injuries. Somehow, some way, I think we have got to come to grips with that. I don't know what the answer is, I'm not an expert in this area; but I don't see any evidence that anyone is doing very much about it. Maybe this is the place to take a look at that.

Even from the financial point of view, even if we can't persuade your ministry or your government or the Workmen's Compensation Board or industry to take a look at it for other reasons, maybe it should be examined just from the financial point of view. I just draw attention to one little section here from this particular London Free Press statement: "The federal labour department estimates accidents and job-related illnesses or disease cost workers in industry \$800 million in lost wages and compensation claims last year." That represents more days of lost production than our horrendous strike record in this country. So even from an economic viewpoint, we should come to grips with this kind of an issue. Finally, in terms of prevention, I think that we need to do an education job in this province. Education, I would suggest, on more than one front.

First of all, we know that if this is going to be effective we have got to have skilled professionals to move into the field in terms of inspectors, maybe working with the health and safety committees. Yet we know from the experience of the last couple of years that we don't have enough people here to do that. We have had to import them from England and other places.

We know that our own colleges and universities are not turning out enough of these people. So from a prevention point of view, we have got to get on the bandwagon. I hope that the minister will ask her colleague, the Minister of Colleges and Universities (Mr. Parrott), that programs for these kinds of people must be implemented. And I would like to see some reference to it in here. I didn't see it. I went through the bill but I don't see it.

Secondly, if we are really going to have effective health and safety committees, there must be an education job for them as well; whether it is the Ministry of Labour or the Ministry of Colleges and Universities or some branch, I don't know which one, but there has got to be an educational program developed so that people understand, better than the average worker does, some of the things that they have got to be aware of, some of the things that they are going to be dealing with. I would suggest that education has to take at least that point of view.

[8:15]

I would like now to express a couple of concerns that I have about the legislation itself. First of all, with respect to the exemptions. I notice that the bill pretty well exempts government agencies, government services, the various employment possibilities involving civil servants or people who are funded by the government.

Let me just take a couple of examples that I think we've got to take another look at that. There's recent evidence, Madam Minister, that the labs of our universities and colleges are seriously hazardous places. We have had three reports from universities in this province in the last two or three months, stating that there are real hazards there. In one sense that may not appear to be a work place and maybe even the people who are there don't see it as a work place; but it's a work place for the faculty, and in some ways it's a laboratory work place even for the students because here, surely as part of their education, they should learn proper health and safety procedures.

If we don't have such procedures there, how can we expect people to go out into industry, go out into the construction field and into the mines without developing that kind of attitude. I don't think we can afford to leave that out; the university is one of the training grounds for our young people coming out into the world of work, into the world of industry; and it is a work place for the faculty.

Secondly, I've had contact with correction officers in the last three or four weeks, and they've expressed rather grave concerns to me about the hazard of their job. I think this is becoming general, Madam Minister. Maybe it is an issue you've got to discuss with all of your cabinet colleagues. As we tighten the restraint program in this province, I would suggest to you that people who work in government-supported agencies or institutions are going to be facing an increasing hazard in their job. In many cases, they're

going to be doing tasks that they're not fully prepared and trained for. I would suggest that they're going to be working longer hours and therefore becoming more tired. There's going to be a tendency for them to be short staffed, and what I'm trying to suggest is that in this legislation we seem to be ruling those people out—and you can speak to that if I'm wrong, Madam Minister—while on the other hand the government is instituting a restraint program which I would strongly suggest to you is perhaps going to increase the hazard of the work place for those kinds of people and for the kinds of reasons that I mentioned. I think we need to take another look at that.

Another thing I'm concerned about in the legislation is the number of places where terminology such as "as may be prescribed" is used. Really, that's a pretty general term. Let me just give you two examples; there are all kinds and I'm sure you're aware of them as well.

Section 13(2) starts off: "where so prescribed a constructor shall before commencing any work on a project . . ." and so on. Another one right over on the next page, section 15(i), "where so prescribed provide a worker with written instructions as to the measures and procedures to be taken for the protection of a worker."

That kind of thing comes up fairly frequently, and I for one, Madam Minister and my colleague from Quinte, who will be speaking to this in the committee stage even more so, must draw to your attention that we're a little bit concerned that there are just too many places where it says, "where it shall be prescribed", or "as may be prescribed." We'd like a little bit more tightening on that. We'd like that to be a little bit more precise.

I was very pleased, and I would like to go on record as saying it here, to notice section 32(1)d, on page 31, where it talks about confidentiality. Maybe I should half pose a question here, Madam Minister: I've run into a couple of cases very recently where occupational health nurses, nurses working in industry, have been dismissed. They've been in touch with officials of your ministry and apparently nothing can be done about it. They've been dismissed because they insisted upon the confidentiality of the material brought to them by workers. I hope you'll respond to this. I'm hoping that this particular section is going to protect those people.

I've talked to some of the workers in those two plants as well and the response I got from them was, "You know, there's got to be somebody around here we can go and talk to about particular problems we have,

whether it's an emotional problem, whether it's a health problem, or whether it's a social problem, without knowing the person is going to run to the personnel department or run to one of the managers and blab it all over the place."

In the most recent situation I had the personnel officer of a food-processing plant insisted the nurse in the plant tell her about the health background of several workers. She said, "I can't. It was given to me in confidentiality. I can't tell you. I'll tell you where it's a problem as far as the process is concerned, as far as the health and safety of this plant is concerned, but I can't tell you personally." That lady was fired; she was fired. She spoke to members of the Ministry of Labour and they say, "We're sorry. We don't think it should happen, but we don't have any power to prevent it at the present time."

So I'm hoping that that's what this section is for, because I think that's wrong. I think surely the workers in our industry shouldn't have to face that kind of hazard.

Mr. Martel: The member should support our reasoned amendment.

Mr. Sweeney: In terms of concerns too, let me put it in another way. One of the personal concerns I have is the number of workers who because of the economic pressures we're facing today are performing, and I say voluntarily, an excessive amount of overtime. I've polled my colleagues here and we have examples of workers taking not two shifts but three shifts. Just common sense tells me no matter what their economic needs are, and I know some of our workers have severe economic needs, the health hazard and the safety hazard under those conditions has got to be greater.

I simply can't believe those workers can be as alert, and not only for their own health and safety but also for the health and safety of their fellow workers. Just imagine a man who's operating one of those overhead cranes. He's got a load of steel he's moving along, and because he's tired he pushes the wrong button. Somewhere along the line, I would certainly hope we can discuss it with the working people themselves, because I wouldn't want to suggest we just sort of slap it on top of them, but I think there needs to be a serious discussion about some limitations with respect to voluntary overtime. I think there's got to be some real serious discussion on the subject of compulsory overtime, and even voluntary overtime. There's nothing in here which seems to speak to that.

I'm suggesting to the minister that could

be a serious safety hazard. As a matter of fact as one of my colleagues pointed out earlier this afternoon, with respect to agricultural workers there's a curious phenomenon. Most agricultural accidents occur at 4 or 5 o'clock in the afternoon, because people are tired, because they're not alert. I think there's a connection there. I don't have any statistics at all as to when most industrial accidents take place. Maybe there's some statistics that would bear me out, but I think it should be looked into anyway.

All in all, I'm pleased to speak to this bill. I think it is a second step forward. I hope we can really start looking at it more from the preventive point of view rather than just the curative point of view. Thank you.

Mr. Bounsall: I rise in strong support of the reasoned amendment put forward by the member for Nickel Belt (Mr. Laughren). I do so in the firm belief that Bill 139, the one we dealt with last November and December is a better bill than this omnibus bill which we have before us, particularly in relation to part of this omnibus bill dealing with the right to refuse work where the worker feels health and safety are in danger. The right to refuse is definitely weakened by the addition, particularly, of section 21 (11) under which a worker can be disciplined if it's found his or her grounds for concern, and his or her grounds for refusing to work, may not have been proven when the investigation has taken place. What this does is definitely establish in this Act a means of intimidation of any worker, an intimidation which is likely to cause workers not to seek the protection which the Act purports to give that worker.

We went through that whole sequence with the legislation we had before that is, Bill 139. According to the Act under which workers worked previously they could refuse work only to be told, of course, by their foreman, that they had to go to work if in his opinion it was deemed feasible. This was the bill under which they worked prior to Bill 139. If they insisted upon it they were, of course, disciplined.

In Bill 139 we definitely did have a step forward, because on reasonable grounds workers could refuse work. In the Ministry of Labour estimates of this fall we were told, in no uncertain terms, that this section was not abused, had not been abused. Then the minister comes in with section 21 (11) in this bill, and this will cause every employer, if it's finally proven by the Ministry of Labour inspector that whatever site or machine involved is not unsafe, to then invoke section 21(11) against the workers. That's intima-

tion. All you have to do is have it once in one plant. This is the way the Act reads.

Hon. B. Stephenson: It isn't.

Mr. Bounsall: If it doesn't do that, then take it out of this Act. Get rid of it so there's no doubt in the workers' minds in this province that they have the right to refuse work until that location is proven safe.

The minister's figures over 10 months have not shown that workers have taken undue advantage of this under the earlier Act, by her own admission and by her staff's own admission. This is what makes this bill a step backwards, not just a step aside. It certainly isn't a step forward when you have sections about the basic right to refuse—the real guts of this bill, in terms of how it affects the lives of workers in that work place—which make workers subject to intimidation the way the new section of this Act does.

I, along with the rest of my colleagues who have spoken from the New Democratic Party, expected this omnibus bill to be a much stronger bill than it is on the basis of the remarks the minister and one or two members of her staff made at the time of the discussion of Bill 139 last fall. Time and time again we heard from the minister, and a couple of her staff out in the corridor, as we were going through it clause by clause, that it was only an interim bill and what were we doing offering our detailed amendments to it. They said: "Trust us. We will be bringing in the omnibus bill"; or words to this effect.

We were a little leery of that. That's why we continued with our amendments, only to find this bill before us which, in my opinion, is not a step forward and does not include any of the specific commitments given by them to include some of our concerns. We were told: "Wait until the omnibus bill. We haven't got much time this fall, but this will work in the interim until we can bring that in. You'll be surprised, pleased and so forth, at some of the things we'll have in it." Those were the words that I heard; yet we have this bill which does not include what we felt to be the key provisions.

Certainly one of them was mandatory health and safety committees, which our reasoned amendment put as point number one. Here again, I simply cannot understand the minister's or the ministry officials' attitude.

Mr. Speaker, I will wait until I have the undivided attention of the Minister of Labour. I think it's only right that she, and not only the staff, hear what I have to say about this bill.

[8:30]

I cannot understand how this minister or the ministry staff does not think it reasonable to make use of all those front line workers out there—who know the conditions in the plant, who know the conditions in the work place and who already know what should be done to improve working conditions, or with a little bit of training could be brought to that point—to use these people in ensuring that across Ontario we have more healthful work places. By refusing to make health and safety committees mandatory in our work places across Ontario, you are not giving the opportunity to those people most concerned about their own conditions the opportunity to have input on it. As we have seen in the last 10 months, the minister has really not used her powers to appoint committees of health and safety around this province.

How, except through the creation of mandatory safety committees, will the unorganized workers in this province ever hear about this bill? However circumscribed they might be by section 21(11), how will they ever hear that they have the right to refuse work if they consider the machine, device, thing, or work place unsafe?

Hon. B. Stephenson: We send them copies of the bill.

Mr. Bounsall: You are going to send it to every unorganized worker in the province, are you? You know how effective that is.

Hon. B. Stephenson: Are you suggesting that they can't read?

Mr. Bounsall: No, I am not suggesting they can't read, just how you best bring it to their attention. You know that's not a very effective way, and if that's your answer, that's one great big cover-up for not doing anything proper in health and safety effectively in this province.

Mr. Laughren: You don't even know who the unorganized workers are.

An hon. member: She doesn't even know what a worker is.

Mr. Bounsall: You are not as serious as some of your staff would like you to be, and neither is the cabinet, about health and safety in this province.

Hon. J. A. Taylor: Shame.

Mr. Bounsall: Darn right it's a shame. You are guaranteeing me that you have a mechanism, Madam Minister—

Hon. B. Stephenson: Absolute balderdash and you know it; you are standing and prevaricating.

Mr. Bounsall: I apologize, Mr. Speaker, for replying in the context of my speech to

the minister's interjections. She has plenty of time to answer when her own time comes.

Answer this one. You are therefore guaranteeing, by your attitude and your remarks, that virtually no unorganized worker in this province is going to be unaware of the rights he has to refuse work under unsafe conditions.

Mr. Laughren: You are going to send them as a bill, are you—a copy of the bill?

Mr. Martel: You are going to protect them.

Mr. Bounsall: You have a mechanism to ensure that each one of them becomes aware, I gather. You can tell us when it comes time for you to reply, just what mechanism you are going to use to achieve that.

I also feel very strongly that we must actually see in this bill that the coverage has been extended to all groups that are now excluded. We have the minister's assurances, in estimates and in comments today with reply to other speakers, that coverage will be extended. But I for one will have no assurance whatsoever until I see it in the bill.

We have seen Bill 70 follow Bill 139 with certain assurances having been given at the time of Bill 139, but it does not appear in this legislation, in Bill 70.

I would be interested in the minister's reply on whether the new section 1(26) of the bill, in which "work place" is defined to include site locations, space, et cetera, "at, upon, in or near where a worker performs work," in fact will cover some of the exclusions which we have had in the past.

At least one of your ministry staff knows about the situation of the plant protecting workers down at the Chrysler plant in Windsor. They were ordered by the Chrysler Corporation, in the absence of city police from time to time or their lateness at arriving at the job, to go out and direct traffic on the street. Not having had any training, and in the initial instance not having any of the protective clothing devices, one or two of them invoked Bill 139, saying that it was not safe and they were worried about going out there; they tried to achieve their rights. Of course, one finds under Bill 139 that that roadway outside the plant is not the industrial site, therefore it did not cover them.

Since then the workers have been provided with some clothing which reflects light quite effectively, with some proper flashlight devices, and are now getting some training from the Windsor police. But in the initial instance, and for some weeks, that situation prevailed. I would like assurance from the minister that that sort of situation is covered when you say

"near a worker's work place"; that they have the right to refuse should that situation arise.

My colleague the member for Hamilton East (Mr. Mackenzie) mentioned the situation that the workers on the Brewers Retail trucks run into when they come to an establishment where they are unloading their kegs of beer. If there is an unsafe condition pertaining there they have of course been caught out as well.

If those examples are all going to be covered by the wording you have in section 1(26), I would like to have the minister acknowledge that. The Industrial Safety Act apparently pertained only to a particular industrial site itself, but the inclusion of "near where the worker performs work," means these two situations will in fact be covered, is that correct? If not, let's see it specifically in the bill.

It will come as no surprise to the minister that I feel the bill must, as our reasoned amendment says, have pretesting of all substances introduced into the work place before their introduction. The toxic substances section of this legislation is extremely weak; standards of course need to be set for a whole host of additional materials, well beyond what is contemplated in this bill.

As do all the members of our party, I feel that this legislation is not sufficient to meet the needs of Ontario. In fact, it has sufficient anomalies in it, particularly section 21(1), that we don't need to proceed with this legislation until it comes back in a much improved form. We agreed with those sections of the labour movement that have contacted us and said: "We can better live with Bill 139 than we can with this bill." That is why we have introduced our reasoned amendment asking the minister to go back and get these committees worked in. If the opposition party on our right will accept that, when you bring this bill back in with these directions in it we would have a bill which would be an improvement over Bill 139.

This bill before us is not, in my opinion—and certainly in the opinion of the sections of the labour movement who have spoken to me—an improvement. We would be best to live with Bill 139 rather than this bill.

So take your time. Take two, three or four months, if necessary, drafting these amendments—which you don't believe in, that's why it might take you that long to draft them—before you bring it back to us. In this instance we can wait, from what I see in this bill.

I say to the Liberals, who I understand will not be supporting our reasoned amendment, that this is the only way we can be

assured, really, of getting the improvements which we have in our reasoned amendment into this legislation.

Mr. Sweeney: You don't have any confidence in yourself.

Mr. Bolan: We will do the amendments.

Mr. Bounsall: We will, as you know, move each of these amendments in committee. What we are concerned about is that some of these changes are simply too broad to be in fact in order in committee, because they change the intent of Bill 70 too drastically. We are not about to take that chance.

Mr. Reid: How long have you been here?

Mr. S. Smith: You are wrong as usual.

Mr. Bounsall: I am glad of the reaction over there—

Mr. Mackenzie: It's time you woke up and came on back.

Mr. Bounsall: —because the member for Rainy River, and various of the others who have spoken over there and have given this reaction, must then be confident that you are able to support us as we place these amendments and have them carry in committee.

Mr. Reid: Do you think you are the only people in here?

Mr. Mackenzie: We'll see how you vote the next time around.

Mr. Bounsall: We'll certainly be interested in seeing how many of these amendments you actually support out there in committee.

Mr. Sweeney: We don't change it unless it needs to be changed.

Mr. Mackenzie: You didn't last time.

Mr. Bounsall: You certainly didn't last time.

Mr. Deputy Speaker: Order.

Mr. S. Smith: We will present the amendments, you support them.

Mr. Mackenzie: Another push me—pull you, I guess.

Mr. Bounsall: Your first speaker in fact did not support the last one. The last Liberal speaker, if I recall, in his remarks on the section dealing with mandatory safety committees, from what I caught of his speech, did not support such an approach. If that's not correct, then we'll be delighted to combine outside on committee on that.

Mr. S. Smith: What nonsense.

Mr. Sweeney: Read Hansard.

Mr. Bounsall: There is one key point on which there is no agreement as to whether or not it can be done by committee. This

amendment is the only sure way that we will get the regulation before us with the bill.

Mr. Reid: And you would hold it up even longer. It would be held up.

Mr. Bounsall: Yes, you're darn right.

Mr. Reid: That is the most irresponsible thing you have ever done; completely irresponsible.

Hon. B. Stephenson: Absolutely stupid.

Mr. Bounsall: Bill 139, as it stands, is a better bill than Bill 70; and to proceed with this bill in the face of a better bill already in the statutes, for those who are interested in workers' safety in this province is simply not acceptable.

The only way we'll get the regulations before us, is to have this reasoned amendment carry—

Hon. B. Stephenson: Oh, it is not.

Mr. Bounsall: —so that we will be able to see the standards, the guidelines and the directions—

Mr. Sweeney: You would let somebody else make the decisions for you.

Mr. S. Smith: You would let civil servants do it for you; we can do it ourselves.

Mr. Bounsall: —and have them before us at the time that we debate this bill. I would like to see the regulations. I think they're very important in this bill. This is the only way that we'll see them in connection with this bill.

Mr. Reid: You won't see them if you hold up the bill.

Mr. Sweeney: Regulations flow from legislation.

Mr. Bounsall: You sure won't see them as you go out there making statements to the bill in committee.

Mr. Riddell: I speak for the agricultural industry on this particular bill. I would like to compliment the minister for the approach that has been taken to develop this omnibus bill. Effective legislation is developed when the Legislature provides for open consultation with the parties to be affected by the proposed legislation. A series of meetings were held earlier this year by the minister, which is a good example of such action. When I sat here this afternoon and listened to the leader of the NDP party talk about the—

Mr. Wildman: That is redundant.

Mr. S. Smith: It is indeed.

Mr. Riddell: —the lack of confidence and trust that the trade unions had in the min-

ister and in the occupational health and safety division of the Ministry of Labour, I just had to think, "Where is the lack of trust?"

Mr. Martel: I'm going to show you in a few minutes.

Mr. Riddell: I'm inclined to think that the labour unions are lacking confidence and trust in that party right there, and they're starting to look to the Liberals—

Mr. Sweeney: About time they learned.

Mr. Riddell: —for a way to help them with their problems.

Mr. Bounsall: They sure will need help with you.

Mr. Gregory: They are really in trouble. [8:45]

Mr. Kennedy: They'll be in real trouble.

Mr. Riddell: I have to give credit to the minister for seeking the advice, not only from the labour section of the Ontario Fruit and Vegetable Growers Association, but from the Federation of Agriculture and the Ontario Farm Safety Council. When she spoke in January to the labour section of the OFVGA, she launched right into her speech without prefacing her remarks with the great things the Tories are doing or have done, or without telling any stories. But the first question she asked was, "Should occupational health and safety standards for the agricultural industry be established by legislation?" And she goes on to say that she wasn't at the meeting to answer that question but to find answers to the question by those who are directly involved with the agricultural industry.

She asked if there was a need for occupational health and safety standards in the agricultural industry and could legislation fulfil that need? If legislation were introduced would it be successful in achieving its goals? She quoted some statistics indicating that deaths had increased 32 per cent, lost-time accidents were declining, but on the other hand time-lost accidents were increasing. I couldn't understand what the difference between lost-time and time-lost was, so my good friend the member for Huron-Bruce (Mr. Gaunt) went over and spoke to the minister's deputy and he came back and said that really there isn't any difference at all.

Mr. Gaunt: I am the "gopher" for the member for Huron-Middlesex; I go for this and go for that.

Mr. Riddell: After we sorted through it, we found out that there is essentially no difference, but that what the minister was

trying to point out was that there were fewer and fewer accidents related to the agricultural industry, but overall industrial accidents were increasing.

It was nice to know that the accident risks in the agricultural industry are declining, yet it still ranks among the most hazardous sections of the Ontario economy. There is no question that there is a need for a special effort to create a safer and healthier agricultural work place, but I just don't believe that legislation of safety standards will improve the situation.

The reason I say that is because of the complexity of the work place; weather conditions, the seasonal nature of agricultural work, long extended hours during peak periods, machinery and equipment designed and manufactured to different standards for agriculture than for the same equipment used in industry, the fluctuating number of workers involved with the inherent job-training programs—in other words all these things show that agriculture requires special consideration in the development of occupational health and safety legislation.

The development of such legislation must be by consultation with farmers and farm organizations. As I have already indicated, the minister has sought out the advice of these organizations; and there is no question that farm organizations will support the extension of health and safety legislation to agriculture, provided it is developed by the Ministry of Labour in consultation with an agricultural advisory committee.

I am pleased to see that the minister did follow the directions of the Ontario Federation of Agriculture and the Ontario Farm Safety Association and the Ontario Fruit and Vegetable Growers Association by naming Mr. Peter Fisher to the advisory board. That was the one name they recommended and that was the name the minister used. You are certainly to be commended for that.

The farm organizations, I can say, support the intent, and realize the need for occupational health and safety regulations in agriculture, so do I. Whether such legislation should be extended to other workers should be a matter for consultation between the Ministry of Labour and the various groups concerned.

The legislation should make provisions for standards of safety by regulation. No part of the bill should apply to agriculture except by regulation.

Mr. Laughren: Oh ho; here now.

Mr. Riddell: Yes, you are going to learn

something here about the agricultural industry, Floyd.

Since each segment of agriculture requires particular knowledge and skills, and because work is performed under a wide range of environmental conditions, unsafe conditions in agriculture should be covered by separate regulations.

Unsafe conditions rather than unsafe work should be described. There must be provisions made for exemptions where standards for machines would make the machine impractical or inoperative. An example is the roll bars on the tractors used predominantly in orchard work. I think we're going to see more roll bars coming out on the new tractors. We hear a little bit about retrofit, where they're going to try to get some of these roll bars installed on older tractors as well.

Mr. Wildman: What about power take-off?

Mr. Riddell: What about it? Do you know what it is?

Mr. Wildman: Yes.

Mr. Riddell: Okay.

Mr. S. Smith: He has it on his hot wheels toys.

Mr. Riddell: An appeal procedure would be developed by the advisory committee in conjunction with the ministry to hear appeals from both employers and employees as to employees' refusal to perform work under unsafe conditions.

Protection for the employer against the frivolous or unjustified resort to the right to refuse to work should be established by regulation. Protection for an employee who is unjustifiably disciplined for refusing to perform work under unsafe conditions should be provided by regulation. The employer should have the right, under conditions established by regulation, to provide alternative assignments and or temporary layoffs. The employer should have the right to assign the disputed work to another employee until the agricultural health and safety appeal committee has resolved the dispute. The objecting employee should have right to full remuneration preceding resolution of the dispute, provided he is willing to perform alternate work during the dispute, and providing there is work available.

The whole concept of joint health and safety committees, and the designation of health and safety representatives, is based on organizational and social structures existing in industry. It does not take into account the organizational and social structures existing in agriculture. There is, however, a need for arbitration, investigation and expert information. The establishing of a body to

carry out these functions should not be at the ministerial discretion. The development of the arbitration system should be by the minister in close consultation with the joint advisory committee to which I've alluded.

Few, if any, chemicals are used in agriculture other than pest control products. The control of such products and their use is regulated by the Pesticides Act, Ontario, 1973, and the Pest Control Products Act, Canada. Therefore, further regulation is not required at this time. If, however, standards are required in the future, there should be guidelines recommended by the advisory health and safety committee, as indicated by records and experience, for the protection of health and safety.

The advisory council on occupational health and occupational safety should study, research and advise the minister on matters of occupational health and safety. Such a body should have funds available for research projects which may be contracted for with private agencies or universities. Such an advisory body should be composed of at least one representative of farmers, with the support of the advisory committee. The advisory council should be a research and an advisory body for the ministry, and through the ministry to any arbitration system established.

Farm organizations choose not to comment on existing regulations under the Industrial Safety Act, the Construction Safety Act and Mining Act; any omnibus bill should contain provisions for similar requirements to cover agriculture by regulation. Such regulations should be approached from the point of view of ease of implementation, and simplicity of explanation and enforcement, so that the desired objective of overcoming unsafe and unhealthy conditions will be achieved. Separate regulations dealing with unsafe conditions rather than unsafe work should be drafted. Initial regulations should cover protective structures for tractor operations, guarding and shielding of farm equipment—that's where you would guard the power take-off—

Mr. Wildman: That's right.

Mr. Riddell: —and personal protective equipment. It is imperative that when regulations are in place any established standards must apply to new equipment only.

Exemptions must be established for existing equipment on farms, as well as for new equipment, when standards for such equipment would impede or prevent its operation. Agriculture should be brought under the Act by regulation and by sections as above.

Each section should be considered separate from the others, and regulations appropriate for one section prepared and introduced before attempting to bring other sections under the Act.

Since there are few precedents where health and safety regulation apply to agriculture, and since many of the work conditions in agriculture are beyond the control of either the employer or the employee, contraventions must be dealt with in a manner consistent with responsibility.

Existing provisions with respect to prosecution and remedies upon conviction are not appropriate to agriculture.

The farm organizations recommend the careful study of conditions, followed by the development of regulations by the advisory committee and the establishing of provisions appropriate for the contravention of the regulations. There should be a distinction made between regular work and emergency work. In the event of an emergency, it may be in the public interest to waive conditions.

Compilation of data relating to health and safety in agriculture should be the responsibility of the Workmen's Compensation Board, the Ontario Farm Safety Association and the agricultural section of the advisory council on occupational health and safety. Analysis of data should be the responsibility of the health and safety advisory council. Dissemination of information to employers, employees, farm organizations, associations and others should be the responsibility of the Minister of Labour, who may use the advisory council and the Ontario Farm Safety Association as the disseminating bodies. Accident prevention associations should continue to promote safety and accident prevention.

These are some of the many recommendations made by the farm organizations, namely the Ontario Federation of Agriculture, the Ontario Farm Safety Association and the Ontario Fruit and Vegetable Growers Association. I believe the minister has lent an ear to many of these suggestions, and I do hope that she will look favourably upon them.

In conclusion, I just simply wish to state that the farm organizations support the application of health and safety regulations to agriculture, but only after careful study of the effect of such regulations on each segment of agriculture. Such regulations must be introduced over a period of time and under close consultation with the various farm organizations which I've already mentioned. Thank you very much.

Mr. Deputy Speaker: The hon. member for Sudbury East.

Mr. O'Neil: He's going to switch over with us.

Mr. Martel: You've got to believe it.

Since 1967, I have spoken about health and safety in the work place. I might say that in conjunction with my friend Paul Falkowski from the United Steel workers, I was one of the first ones involved on cancer related to working in the sintering plant in Copper Cliff, where some 50 men, I guess, have lost their lives. We had to fight like mad; we literally had to fight like mad to get recognition—despite the government, not because of it. In my opinion, this is the most corrupt government going when it comes to health and safety; the people who have been in some of the various departments of the ministeries are a disaster.

The Ministry of Natural Resources and its mine section is the biggest disgrace on the face of this province. We not only got involved in health and safety, my friend Falkowski and I, in trying to bring compensation benefits for the wives of the workers in the sintering plant at Inco in Sudbury, we were also the first ones to be involved in that long dispute at Elliot Lake when the government was so busy covering it up.

For 13 years—I remind you of the corruptness of this government—for 13 long years the government hid what was going on.

In 1961, an Ontario Department of Mines report said: "In the Elliot Lake mines there is both a dust and radiation problem." They indicated at that time something would have to be done, and it would have to be carefully screened based on the experiences from other jurisdictions. That came only several years after the Senate investigation in the United States. For 13 years, this government sat on its haunches and it watched workers die.

They fought us, I remind you, in 1973 and 1974, until the Steelworkers had an illegal strike.

Mr. Laughren: That's right.

[9:00]

Mr. Martel: Minister after minister on that side of the House, as I raised these issues, told me I was exaggerating. Allan Lawrence; remember him, the "white knight"? George Kerr; do you remember him? He's still here. Matt Dymond; do you remember him?

I remember them all as they told me there was nothing wrong with the men who were dying from cancer as a result of working in the sintering plant. If it hadn't been for one

doctor in Hamilton, Dr. Cecilione, these men today still wouldn't have the benefits, because this government and its lackeys hid the facts.

I'm going to quote some of the letters that came into my possession during those years; then you jokers can tell me to have faith, blind faith and trust in what they're going to give us. I tell you you're wrong.

Mr. S. Smith: And you're the one who is giving it back to them.

Mr. Martel: Don't be so convoluted.

Mr. Davidson: Tell them how you voted on the last bill.

Mr. Acting Speaker: Order.

Mr. Martel: I read the debates from Bill 139. I well recall you gentlemen voting against those same amendments. You can't have it both ways. You can't dribble out both sides of your mouth; you can't suck and whistle at the same time.

Mr. Riddell: If your car was to break down you'd probably send it back to the factory instead of trying to fix it yourself.

Mr. Martel: You can't suck and whistle at the same time, and that's what you want to do.

Mr. Acting Speaker: The member is becoming repetitious.

Mr. Martel: You had an opportunity and you voted against every amendment.

Mr. Sweeney: Take a look at yourself.

Mr. Riddell: You fellows encounter a problem and you don't try to resolve it.

Mr. Martel: The minister wants us to have blind faith in her and those people.

Hon. B. Stephenson: No, no; I wouldn't ask that of you, Elie, not blind faith.

Mr. Mackenzie: You were just kidding earlier, eh?

Mr. Martel: In the Elliot Lake situation, had it not been for union pressure and the assistance of this party, the Ham commission would have never come about; and you want me to believe that the unorganized workers are going to somehow be protected.

I remember the battles when I went to the then Minister of Labour and minister in charge of mines and said: "When the men walk off the job will you protect them?" They said: "No." That was 10 years ago. They had unions; do you want me to believe that the unorganized are going to be able to face the onslaught of a major corporation? Who are you trying to kid?

Hon. B. Stephenson: Nobody, absolutely nobody. Only you would try to kid somebody.

Mr. Martel: Well you certainly are, but we're going to come to it. We should believe with blind faith and we shouldn't say to the government: There's been too much collusion between management and the companies that we can't have anything unless we write into law what we want. If it isn't written into law it is not worthwhile having, because your track record is something less than envious.

Let me give you a couple of examples, for the minister's edification as she sits here. We caught your friends in the mining industry with their finger in the pie—

Mr. Laughren: Guess whose finger was in there with theirs?

Mr. Martel: —with respect to a number of violations of the Mining Act. Listen to what your inspector said to the "white knight" in his letter, which wasn't supposed to come into my possession: "Both the hoistmen and the immediate supervisor would have to be summonsed. I do not know if there is a case against the company. I certainly advise that the department should prosecute. The minister would have a difficult time in Parliament answering Mr. Martel if we do not prosecute."

Did they prosecute? No way. It was a violation of the Mining Act, far in excess of the hours laid down by the minister's own Act. Did they prosecute? No, not at all; it was never raised. That letter wasn't supposed to come into my possession. That's a simple case. It's a violation of the Act, but there is the minister's staff saying: "We'll have difficulty answering Martel if he should raise it in the House if we don't prosecute." That the company was violating wasn't the worry; the worry was that the minister would have difficulty in answering.

Yet you want me to accept your crazy Act; when these people here are the same, when nothing has changed.

Let me give you another nice example. For two and a half years, my friend Paul Falkowski, and I fought to try and get the drinking water improved at the smelter in Sudbury, at Copper Cliff. And for two and a half years they told us we were crazy. Allan Lawrence said—

Hon. B. Stephenson: They were half right.

Mr. Martel: Maybe; in your case, they would be totally right.

Mr. Wildman: Did you say they were half-wits?

Mr. S. Smith: You mean they should have done it for five years.

Mr. Martel: You know it might be funny, Stuart, except that they had medical evidence on record over there that people in the town of Lively, and the men in the smelters were getting sick—

Mr. S. Smith: I agree with you.

Mr. Martel: —from the drinking water. And what did these people do? Let me tell you.

"Free potable water at Inco." A letter from dear Bert Lawrence, Minister of Health of the day, to none other than George Kerr. You know them both. Let me read:

"This is further to my letter of June 2. The staff of my department are aware of the complaints relating to the quality of drinking water, not only in the Copper Cliff operation but also in Port Colborne.

"A meeting has been held with representatives of the water resources commission. . . . I am pleased to note that this has been done by Mr. Caverly." They noted the problem. They noted that the medical staff in the town of Lively and in Port Colborne were aware that people were getting sick.

Dear Bert writes back. He said: "Dear George: Thank you for your letter. I have referred the correspondence to my people."

That went on for a while and then George Kerr writes back to his friend Bert and he says: "Bert: I am attaching hereto a copy of a memo from D. S. Caverly, general manager of OWRC, regarding this matter. You will note that it is a most unsatisfactory report and that it would appear that little or nothing has been done to correct the situation." Inco, of course, is more or less noted for its apathy to problems such as this.

There was then a memo from Gordon Hampson, who was the executive assistant to George Kerr. Gordon Hampson puts out a little memo in this little escapade and he says: "You will recall numerous complaints by Elie Martel and Paul Falkowski, regarding the quality of drinking water at the Copper Cliff smelter. I have now received the attached report from Dave Caverly which in fact admits that everything these gentlemen have been saying is true. You will note particularly the first paragraph of Mr. Caverly's memo of May 19 which indicates that complaints have been received for two or more years."

An hon. member: Elie, she doesn't have anything to do with this.

Mr. Lewis: That's quite germane. There have been coverups in occupational and environmental health for years. Why should we trust them now?

Mr. Martel: Two or more years, he said.

And it goes on: "And there are now medical reports to the effect that there has been an increase in stomach disorders in the town of Lively since this water system was connected to the same source of supply."

He writes further: "I am absolutely shocked to think that all we are apparently doing is requiring Inco to take interim measures to improve the water being distributed in the smelter. You will note in the second paragraph that Inco has apparently done nothing to proceed with the construction of the water treatment plant to improve the system, although a consulting engineer was hired in 1969."

This is, by the way, 1971.

"It is no wonder that people vote NDP in the Sudbury area."

That's Gordon Hampson, executive assistant to George Kerr. Of course this wasn't supposed to get into our files. It shows you the collusion—

Mr. Riddell: Times have changed, that was 1971.

Mr. Martel: —the absolute collusion between the government of Ontario, knowing full well that people were getting sick, there were medical records on file to indicate this, and this government covered it up.

And the minister says: "Have faith, baby, have faith." That's what you have told us all afternoon.

Hon. B. Stephenson: I didn't say "baby," not to you.

Mr. Martel: That's what you told us all afternoon. No, not the "baby" part; but have faith. In whom, might I ask?

Well I'll tell you about another one. You talk about health and safety, Madam Minister, this one will really intrigue you.

In late 1970, 62 men from the United Steelworkers walked off the job in Sudbury, and the minister of the day was approached. We outlined it to the minister. The company had given warnings to 62 men; they were disciplined. Despite the fact that it was confronted by one of the most powerful unions in Canada, the company disciplined 62 men. We wrote to the minister to try to get this changed, to try to get the government to move in and to assist those 62 workers who were being disciplined.

We wrote the minister a nasty letter and said, "You know, we think there is some collusion on this one between the government and the company." And Allan Lawrence wrote a nasty letter back to us; oh he was so upset. He said: "In respect of the latest reference in your letter concerning my com-

mitments with the company, the accusation is so ridiculous that no comment is necessary."

Hon. Mr. Rhodes: That's not nasty; wait until you get one from me.

Mr. Martel: Now let me read the letter. I want you to listen, John, to the letter.

Hon. Mr. Rhodes: I've heard it before.

Mr. Martel: I hope you have.

Mr. Lewis: But you enjoy it each time.

Mr. Martel: There was the minister writing to us and saying that we really couldn't say there was any collusion between the company and his ministry. It was nasty of us to even suggest it.

It says: "Your letter dated August 25 has been received pursuant to mine of July 14." I must find another letter before I go on, because I want to read the two of them to you.

Hon. Mr. Rhodes: Jean-Jacques Blais has foiled you again.

Mr. Martel: The mails were being pilfered even in those days, John.

Hon. Mr. Rhodes: And you're on the list.

Mr. Martel: You're right. There are a couple of interesting letters here. I'll read a paragraph from one and then a paragraph from the other, so that you will get the full flavour of it.

Hon. Mr. Rhodes: Tell us which one.

Mr. Martel: I am reading the Minister of Mines' letter, to us—the "white knight," "Lawrence of Ontario." "Lawrence of Ontario" said to us, in the second paragraph: "Due to the nature of roasting and smelting operations, and despite thorough and continuing maintenance procedures, conditions involving high SO₂ readings do occur from time to time in areas of the roaster building. As the process is continuous and is not amenable to frequent starting and stopping without the danger of damage to installation, it is necessary to keep equipment operating despite these conditions. The occurrence of these conditions is not continuous, however, despite claims to the contrary, and this is indicated in readings obtained to date by our SO₂ monitor." That's Allan Lawrence's paragraph.

Now, the other letter—

Hon. Mr. Rhodes: Who is that from?

Mr. Martel: I want you to hear the paragraph first, John; listen to the paragraph. I am quoting yet another letter; and you will appreciate this, Mr. Speaker.

Mr. Speaker: It might be helpful if you spoke to the Chair.

Mr. Martel: I am looking directly at the Chair.

"Due to the nature of roasting and smelting operations, and despite thorough and continuing maintenance procedures, conditions involving high SO₂ readings do occur from time to time in areas of our roaster building. As the process is continuous and not amenable to frequent starting and stopping, without the danger of damage to installations, it is necessary to keep equipment operating despite these conditions. The occurrence of these conditions is not continuous, however, despite claims to the contrary, and we feel this will be evident when the readings obtained by the department monitor become available."

Hon. Mr. Rhodes: It came from Inco.

Mr. Martel: Don't they sound alike?

Hon. Mr. Rhodes: It came from Inco.

Mr. Wildman: He would rather harm people than equipment.

Mr. Martel: Signed by Charlie Hughes, superintendent of safety, in a confidential letter to the "White Knight, Lawrence of Ontario."

Mr. Laughren: No collusion!

Mr. Martel: No collusion; no, no; no collusion. They just write in a similar style.

[9:15]

Mr. Lewis: And you know why we don't have health and safety committees in local 6500? Because it continues today.

Hon. B. Stephenson: Balderdash.

Mr. Speaker: The member for Scarborough West has already spoken in this debate.

Mr. Lewis: You're right. I'm sorry.

Mr. Laughren: Nothing has changed.

Mr. Lewis: Nothing

Mr. Martel: Nothing has changed.

Hon. B. Stephenson: It certainly has.

Mr. Laughren: It has not.

Mr. Martel: The collusion persists.

Hon. B. Stephenson: You don't know.

Mr. Laughren: What do you mean, I don't know? Of course I do.

Mr. Martel: Either that or Charlie Hughes and Allan Lawrence—their styles were similar—to the word.

Hon. Mr. Rhodes: Both lawyers.

Mr. Martel: No, Charlie's not. I'll go on—it's a good letter: "The source is located and all practical preventive measures are taken as quickly as possible to stop the escape . . . or provide extra ventilation to disperse it."

Now we'll read from Charlie Hughes' letter: "The source is located and all practical preventive measures are taken as quickly as possible to stop the escape of SO₂ or provide extra ventilation to disperse it."

Now there's no collusion! No, no. There's no collusion between the government of Ontario and Inco and all the minions that—

Mr. Gaunt: Just accurate telepathy.

Mr. Martel: Very accurate. Right on. And you want us, and you want people in the trade union movement to have faith?

Mr. Laughren: Not a chance.

Mr. Martel: You've got to be kidding, baby.

Hon. Mr. Rhodes: It's you, baby—it's you, sweetie.

Mr. Martel: I want to tell you, Mr. Speaker, if you think anybody in the trade union movement trusts something that this minister might do—

Hon. Mr. Rhodes: She is lovable, look at her.

Hon. B. Stephenson: That will be enough out of you.

Mr. Martel: That might be the case. Unfortunately, the minister might not be there five years from now. On our past experience with Allan Lawrence and with George Kerr and with A. B. R. Lawrence, and every cabinet minister responsible we have found collusion.

Mr. Laughren: Nothing has changed.

Mr. Wildman: What about a guy like Leo Bernier?

Mr. Martel: Bernier? My God, it was even worse. It's even worse.

Mr. Laughren: That was collusion combined with confusion.

Hon. Mr. Rhodes: Hold on—no reference by name—come on.

Mr. Martel: You talk about us being demanding, everything written in the bill. We have no options. We simply don't. Because there is that case, with a union as big as the Steelworkers and as strong as the Steelworkers, 62 men were penalized. And you tell me, where the people are unorganized, who is going to protect them?

Hon. Mr. Rhodes: And no alternatives.

Mr. Laughren: Not the minister.

Mr. Martel: Who is going to protect them? In this case the gas was so bad that the workers were getting sick, and I talk about workers who were used to that type of gas. Some of the members who were in Sudbury

on Monday and in the smelter for a very short time—I saw them as they grasped the railing when the gas got too bad. They coughed, they wheezed, their eyes ran—and they were there five minutes.

Mr. Lewis: Unfortunately, you all came up.

Mr. Laughren: The member for Armourdale (Mr. McCaffrey) almost passed out.

Mr. Martel: Yes, he's right.

Mr. Kennedy: I didn't go.

Mr. Laughren: He grabbed hold of me and said, "Get me out of here."

Mr. Martel: So the minister can see she can't expect us to rely on this government to write a bill in a way that is going to provide any type of protection for the workers.

Let's go through it.

We've got our thing on Redsell. Our reasoned amendment say that there should be mandatory health committees. I've never seen so much stupidity in my life as what is emanating from over there.

Hon. Mr. Rhodes: How unparliamentary can you get?

Mr. Martel: If the minister just made it mandatory that any plant with maybe 10 workers, as in Saskatchewan, automatically has a health and safety committee, she then doesn't have to hire a whole troop of inspectors to go out and even see if they need it. That should be left to the workers. It's their lives.

Mr. Laughren: We know why you won't do it.

Mr. Martel: How can the minister send enough people out to visit all of the plants? If there are no bad conditions, there will be no problems. But the committees should be in place.

I remind the minister that as we fought the battle of getting a monitor in Inco to monitor the SO₂, the Steelworkers' jobs were threatened, man after man, when they in fact took in Drager meters in their lunch pails to measure the gas, because the government inspectors couldn't be trusted to do it. Man after man took his job in his hands, in a sense, and took his Drager in the lunch pail to work. Management threatened to fire anyone they caught with a Drager meter, just in an effort to illustrate what the gas conditions were like within the plant—management threatened to fire them. Again, we are dealing with a very strong union. Let the minister tell me, who is going to protect the unorganized worker in the small plants against that type of conduct?

Mr. Laughren: Not this minister.

Mr. Martel: Not this minister and not this government.

Mr. Laughren: Another form of collusion, you know.

Hon. Mr. Rhodes: Send Trotsky home.

Mr. Martel: Now, the minister could simplify it and say any plant with 10 or more employees automatically has a health and safety committee.

Hon. Mr. Rhodes: You make Marx look like a John Bircher.

Mr. Martel: No sweat. We don't have to get approval from the minister.

Mr. Sweeney: What about less than 10?

Mr. Martel: We don't have to get approval from anyone; automatically by law there is a committee? If there are no problems there is nothing to fight about.

Mr. Sweeney: What about less than 10?

Mr. Martel: Well, the minister can move in with other types of regulations. I am saying the minimum. But the minister has the right—and in fact, regulation must come from the minister. Who is going to help the unorganized? You haven't got the work force to get into those plants.

Mr. Sweeney: Not organized workers.

Hon. Mr. Rhodes: Address the Chair.

Mr. Martel: I am attempting to.

I am talking about unorganized workers.

Mr. Sweeney: Less than 10 workers.

Mr. Laughren: All workers.

Mr. Martel: I am suggesting the minister could start with 10. Because I don't know how many plants there are with fewer than 10 in number.

Mr. Sweeney: That is double talk.

Mr. Wildman: What are you hung up about?

Mr. Martel: All workers, right. My colleague says all workers are still covered. But it certainly would minimize the number of places the minister's boys would have to run out to see.

Hon. B. Stephenson: They run out to see them anyway.

Mr. Martel: And girls. Yes, well, they are going to write in—companies are going to say here is a committee.

Mr. Laughren: Yes, sure.

Hon. Mr. Rhodes: You think you are kidding?

Mr. Laughren: I can imagine you pushing them out there too. We will believe that when we see it.

Hon. Mr. Rhodes: Nice control, Elie.

Mr. Martel: Right, well. And out of the monitoring in Sudbury—I am going back to where they were threatened—they gathered the expertise very quickly to do a study, area by area, and eventually the government put in its own monitors. The conditions were so bad they had no option.

Why should the workers have to go through that—the threat of losing their jobs? Don't tell me companies can't find all kinds of reasons for firing people. They can trump them up. The Minister of Labour has seen it. Her people in the employment end of the ministry have seen it over and over again. People have been fired when they tried to organize or people have been fired for any number of reasons.

Don't say the companies are not going to fire employees because they are demanding improvements which are going to cost money to the corporation if they have to clean up conditions. They will. And certainly the minister can't be that naive as to suspect they won't.

The simple way out is to not increase the ministry staff four or five times—which the minister is not going to do. The way out is simply to get as many plants as is possible to cover by some number and then move in and have the inspectors visit the smaller areas, if that is what the minister wants to do, to get the health and safety committees established. Anything less is a disaster for working people. And for us to be led to believe we should have faith is total nonsense, total nonsense, because, in fact, history has proven over and over again to me in the number of years I have been here that won't occur.

Let me give the minister another example. In 1970 or 1971 we debated The Mining Act. We brought forward, you will recall, Mr. Speaker—I believe you were there—a number of changes we wanted with respect to the workers having the right to monitor and to force change. And sitting at the meeting was none other than Mr. Douglas and Mr. Smith. You remember them.

We were trying to gain the right for workers at that time not to have to work if it was unsafe—to say no, or even to close it down. And sitting on that committee was Mr. Smith, the chief mining recorder for the province. He didn't tell us throughout that whole debate—and it lasted three or four months—that in fact in the United States many years ago they had the right to close the coal mines down when gas got too bad. If the workers felt it was dangerous, the union could say "No, we've had enough,"

and they shut it down. And then they brought in the inspectors. Smitty didn't tell us that.

And when Smitty and Douglas left, do you know where they went, Mr. Speaker? Both went to work for a mining company in Quebec where they came from originally. It's so perverse.. One could go on all night illustrating the collusion that has gone on over the years.

I recall the first question I raised in the Legislature, when I asked the Minister of Mines: "Was there an investigation in the coal plant on a certain date?" because there had been two major explosions at the coal plant in Sudbury. He said: "I don't know the answer, but I can get it for the member."

The reason I had raised the question was because friends of mine from the union phoned me on a Sunday and said: "The crews are working overtime. In fact they're working around the clock. We've had two explosions, we suspect an investigation. We suspect a mine inspector will be in. We suspect that the company is trying to clean the place up."

So I said to the union president: "Send me a telegram today, Sunday. I must get it." Which he did.

I raised it here and, lo and behold, that Monday there was an investigation. There they were, a whole group from the Ministry of Mines and they were all there doing this wonderful inspection. How did they know? How did Inco know to keep its workers round the clock to clean the place up?

Mr. Laughren: Nothing's changed.

Mr. Martel: And nothing has changed. But we should keep the faith, shouldn't we? We should keep the faith. But the Ministry of Mines had notified dear old Inco.

Hon. Mr. Rhodes: The civil servants.

Mr. Martel: Yes, Allan Lawrence gave the instructions to someone else.

Hon. Mr. Rhodes: Can you prove that?

Mr. Martel: Yes, because Allan then said to me: "You really don't want the plant cleaned, do you? That's what you're objecting to."

I said: "No, I want the plant cleaned. I just don't want management to know ahead of time. I want the mine inspectors to see the mines as they are every day—the conditions under which workers work every day, not when the management has been tipped off and you can get the place cleaned up and you can have a nice inspection."

That's why you need mandatory health committees regardless of the numbers, so you don't have to wait, you don't have to force it

in. So you don't have to say to the minister: "Conditions are bad," and she'll say: "We'll send somebody out and maybe we'll agree."

They should be there in place by law. If there's nothing wrong then the management has nothing to worry about and the workers are protected. If the minister can't see that I'm sorry, there's something wrong. There really is. There is something terribly wrong. There will be no abuse of it, if there are no problems. But why should one have to fight like hell when there is a problem to get this government to even recognize that there's a problem? It just can't be that way.

The minister simply can't say: "I'm going to have enough inspectors to spread them out around the province to investigate each of these situations." The workers should investigate the situations which affect their lives and if there are bad conditions it's up to the ministry, along with those committees and the management, to get it cleared up. Anything less can't be acceptable.

That's the first part of our reasoned amendment; the second part would fall into place if it were accepted that the committees be mandatory. The second part of our reasoned amendment would fall into place, because of the fact you'd have all the workers covered. They aren't under this bill, but they would be and there would be no need to play the childish little games. There would be no need to fight your guts out to get recognition of unsafe conditions.

The workers would report if the conditions were bad and that's the way it should work. It shouldn't be deigned from on high from the deity and the minions who run around in the Ministry of Labour and in particular from people who are supposedly interested in health. My experience tells me that some of the good doctors who have been involved in Health should have given up the practice of medicine a long time ago. Really should have, they're a disgrace to the profession, particularly in that ministry.

I can name them. Remember the Muller report? I remember it well, in Elliot Lake, the report said, three to one. You'd think those doctors would have come out screaming to protect those workers, but no way.

Mr. Lewis: That's right, a scientific paper in France, not in Ontario but in France.

Mr. Martel: Boy, I'm telling you, doctors—a good horse doctor would have done more for horses. They would have shot them.

Mr. Laughren: They'd have done more for people.

[9:30]

Mr. Martel: Those people are a disgrace to the profession.

The second point is that we'd have everyone. We wouldn't have to worry about it.

Pretesting is the third point we raise. Certainly even today it's a fight for workers to see their health records. I want to recall another case.

Hon. B. Stephenson: It won't be under this bill, Elie.

Mr. Lewis: It has to be under this bill. Where else?

Mr. Martel: Fifty or 60 men died in the sintering plant. Is that not right? Fifty or 60 men died.

Do you know, Mr. Speaker, that for at least two years we attempted to get from Inco the list of names of the workers who worked in the sintering plant, and we have not got them all yet.

In fact, a man from Newfoundland contacted me recently. He has had a lung removed, and I have a man from my colleague from Nickel Belt's area who came to see me. He was with a construction company when they built and started up the sintering plant, and he ultimately went to work for Inco. The minister said earlier tonight that workers will know about these health and safety committees. We've given it much advertising in the Sudbury area, the United Steelworkers' newspaper has carried it monthly and has launched a campaign to find these workers, yet here's a man right in the Sudbury area who comes into my office six months ago because he's got a lung removed and he couldn't get his claim established. Then he said to me, "But I worked in the sintering plant." Oh! He's in the Sudbury area and he didn't know, despite all that publicity. There he was in Sudbury, and we couldn't get from Inco the list of all the workers—

Mr. Haggerty: Is Falconbridge that clean, Elie?

Mr. Martel: No, no.

We couldn't get a list from the company of the various employees who worked in the sintering plant, despite two years of trying. And we're still digging them out.

Mr. Wildman: What was the point of that comment, Mr. Haggerty?

Mr. Martel: They're looking for a red herring, a way out.

Mr. Mancini: Oh, come on, Elie.

Mr. Martel: And that's what happened. Yet the minister says, "Well, they'll all know about health and safety." They won't because a campaign like the United Steel-

workers put on to find the sintering plant employees was in every newspaper, was on television, was on radio, for years, and the cases are still showing up. As I said earlier, those people in the Ministry of Health who are supposedly doctors, who for years were responsible for reporting these things did not help us.

Hon. B. Stephenson: You are a disgrace, Martel, really.

Mr. Martel: If I'm a disgrace, I want to tell the minister that the medical profession in this instance should hide its head.

Mr. Lewis: That's right. That's true. You know that.

Mr. Laughren: That's absolutely right.

Mr. Martel: Because one doctor helped us to break it, Dr. Cecilioni.

Mr. Lewis: We had a real problem getting the doctors on this—

Mr. Martel: Don't tell me about being a disgrace.

Mr. Lewis: —a very great problem getting the co-operation of the doctors.

Mr. Germa: And the Minister of Labour is the former president of the OMA.

Hon. Mr. Rhodes: We hear the Falkowski speech. Every time he shows in the gallery, we get the same speech. Every time.

Mr. Martel: John, go back to the Liberal Party, will you?

Hon. Mr. Rhodes: Oh, drop dead, why don't you? You are such an expert.

Mr. Laughren: Is that parliamentary, Mr. Speaker?

Mr. Martel: I'm not an expert.

Mr. Germa: It's because you're so incompetent that he looks like an expert.

Mr. Speaker: Could we have some order, please? We're dealing with Bill 70.

Mr. Wildman: What about the foundry in Algoma, John? Look at your own backyard.

Mr. Martel: We have the goods on you guys.

Hon. Mr. Rhodes: You are the last one to talk about incompetence.

Mr. Martel: The minister is slightly exercised, Mr. Speaker.

Mr. Wildman: Look at the foundry in Algoma. Look at your own backyard.

Mr. Speaker: The member for Algoma doesn't have the floor.

Mr. Wildman: Neither does the member for Sault Ste. Marie.

Mr. Martel: The minister is slightly exercised, Mr. Speaker.

Mr. Laughren: Guilt.

Mr. Martel: He should not be proud of what his government has allowed to happen to workers in this province. He should not. And the minister should not try to slander me because everything I'm saying has been documented over the years.

Hon. Mr. Rhodes: You are giving the Falkowski speech. Four times in a row I have heard it.

Mr. Martel: One wonders why we've had to fight. One wonders why the workers will not be given the names of all the new substances, for example, and whether or not they've been pretested.

Hon. B. Stephenson: They will. They will.

Mr. Martel: We're still trying to get the workers to see their records with respect to their work place.

Hon. B. Stephenson: But the members have to pass this bill so that it can happen.

Mr. Laughren: I have faith in you. I've heard that before.

Mr. Martel: A friend of mine is slowly dying from cancer. He's a man who worked for 20 odd years as a welder. In the United States he gathered all of the fluxes and what not and the writings on the labelling. In the United States, even for welding material, they say this is dangerous. It is not so in Canada. It is not so in Ontario. My friend is absolutely convinced that he got cancer from using various fluxes. Why does the US label them and not us if they are a danger and protective devices should be worn? But my friend Peter is dying. He's absolutely convinced that that is what is killing him.

Mr. Lewis: Look at Aime Bertrand, for heaven's sake. How can anyone have trust given that case now?

Mr. Laughren: It is still being ignored despite all the new evidence.

Hon. B. Stephenson: What new evidence?

Mr. Laughren: The minister knows full well what new evidence. The evidence piles up and she ignores it.

Mr. Martel: My friend is absolutely convinced he's dying from these things. He puts it altogether. He's not a very sophisticated fellow, but he sees all the labelling and says to himself: "Why do they label it as dangerous in the United States and not in Canada?"

Hon. B. Stephenson: I'm looking at the evidence and not just on one side.

Mr. Martel: "Why have I got cancer?" he asks.

Mr. Speaker: Will the minister and the

hon. member for Scarborough West carry on their private conversations outside the chamber?

Hon. B. Stephenson: He won't talk to me outside the chamber.

Mr. Lewis: Don't be so foolish.

Mr. Martel: He's too proud and I don't blame him.

Hon. Mr. Rhodes: He is afraid of being put on the record.

Mr. Lewis: I will talk to her anywhere.

Mr. Laughren: On the beaches?

Mr. Martel: We have the history. The member for Sault Ste. Marie said: "That's 1970-71." I remind the minister that in 1975 in Matachewan we couldn't get all the statistics as to what the men were exposed to. They far exceeded the limits and where was the government? They still won't give us the rolls of Reeves Mines.

Hon. Mr. Rhodes: We shut that down. That is what you wanted. You wanted it closed and we closed it.

Mr. Martel: What did Ham say? Let me tell you what Professor Ham recommended about the materials and what should go on with respect to the environment, the hazards of the work place:

"That there should be a statutory requirement for a metallurgical audit of origin, holdup, destination of potentially dangerous and minor elements such as lead, mercury, arsenic, selenium, tellurium, cadmium and so on, to be conducted quarterly in all reduction plants on the basis of extended standard monthly sampling and analytical procedures. That a copy of this audit be sent to the occupational health and safety authorities.

"That there be a statutory requirement for an annual audit of use by mass of toxic and hazardous reagents and that a copy be sent to the occupational health and safety authorities.

"The pilot plant studies used to develop processes and preliminary operating procedures be extended to include the measurements of factors likely to have an impact on the health and safety of the environment.

"That there be a statutory requirement for each mining company to maintain a register of servicing chemicals involved in any personal encounter associated with the medical aid or compensable injury. That the registry specify both trade name and chemical composition, and identify all known toxic chemical constituents. That the register include an audit by mass of annual use and that a copy of this register be provided to the occupational health and safety authorities.

"That there be statutory requirements for each mining company to give the occupational health and safety authority notice of intent to introduce any new reagent or servicing chemical, whose toxic characteristics are not known."

Hon. B. Stephenson: It's in the Act, Elie.

Mr. Lewis: That's not in the Act.

Mr. Martel: This should, in fact, be passed on to the workers. This should be passed on so they would know what chemicals they are confronted with every time they enter the work place. But they won't. The workers will not find out. Then Ham said there should be a file on each worker, so they would know his work history. Do you know, Mr. Speaker, that the battle still goes on, and only in the last year have we been able—

Hon. B. Stephenson: It doesn't. All you have to do is pass the Act and it will be right there.

Mr. Martel: —to get the Ministry of Labour to insist that the workers get their audio-logical test given to them?

Hon. B. Stephenson: Have you read this, Elie?

Mr. Martel: Oh, yes, I've read it. I've re-read it and I see how paltry it is.

Mr. Kennedy: Read it again, Elie.

Hon. Mr. Rhodes: Why don't you send a copy to Falkowski and let him read it?

Mr. Martel: Why don't you just leave, John?

Hon. Mr. Rhodes: I can't stand any more.

Mr. Martel: Thank God. You haven't contributed anything. You haven't contributed much for the past five or six years so you should just leave.

Hon. Mr. Rhodes: You haven't. Where's Havrot? He'll take care of you.

Mr. Martel: Mr. Speaker, I wish you would bring that fellow under control.

Interjections.

Mr. Speaker: Order, please, order. I would like some assistance from the members of the House. I would like to determine whether or not there was any agreement with regard to the allocation of time. I can recall there was an agreement that they would call for the division on the reasoned amendment at 10.15. Was there any all-party agreement as to the sharing of time up to 9.55?

Mr. Riddell: Unfortunately not.

Mr. Makarchuk: Mr. Speaker, as far as we know, the only agreement that was made this morning was that the debate would probably terminate about 10:15.

Mr. Lewis: That in itself was a mistake.

Mr. Speaker: If you have set any time limits I suggest that the time should be allocated more evenly among all parties, but I am in the hands of the House.

Hon. B. Stephenson: That would be an excellent idea, Mr. Speaker.

Mr. Lewis: Why don't you wind up when Elie has finished?

Hon. B. Stephenson: I'd be happy to, if Elie ever winds up.

Mr. Haggerty: Mr. Speaker, I have a suggestion at this time. May I add a point at this particular time?

This is rather an important bill. We spent some two days on the Municipal Act, but this is rather an important bill and I feel if you are going to have a time limit on it, each member should be treated alike. I would like to speak on the bill and so would my leader.

Mr. Lewis: That is why we shouldn't have agreed to 10.15.

Mr. B. Newman: If I may, Mr. Speaker, since the supper break at 8.25, allowing my leader 15 minutes to speak, the time would have been allocated equally between the Liberal and the New Democratic parties. That would still have allowed the minister to start at 9.55 to wind up for 10.15. The member now has used more than his fair share of the time.

Mr. Speaker: As far as I can determine, there has been no agreement as to when the vote should take place and unless I hear something definitive by way of an agreement, it's quite obvious that the vote will not be taken at 10.15. I leave it to the members themselves as to how they should share whatever time they choose to speak to this bill.

Mr. Maeck: Mr. Speaker, if I might speak to that point just for a moment, there was an agreement amongst all parties that the vote would be taken at 10.15. There was no agreement as to the amount of time that would be spent by each party in the discussion or in the debate.

Mr. Speaker: Under the circumstances, I have no alternative but to recognize each member as they rise to speak.

Mr. Martel: Thank you, Mr. Speaker. I want to speak to two final points briefly.

Mr. Mancini: Talk out the clock, Eli?

Mr. Martel: I could if I wanted to. Would you like me to?

Finally, Mr. Speaker, the real killer in the bill is, of course—and the minister is aware of the feeling of just one union, the one I was with in her presence, the Mine Mill and

Smelter Workers, who said the bill was taking them back 35 years. You recall Mr. Nitchil, don't you, when we met down the hall? He was very upset with this section of the bill. He feels that workers will be intimidated if the company has the right to go after workers if it can prove that the worker, in a facetious fashion, utilized that section of the bill giving them the right to refuse work.

The minister might call on another part of her department in the Ministry of Labour to find out how many workers have been set up and fired for trying to organize unions in other areas. She knows, and I know, that management doesn't need that clause, that that clause could well be deleted so that the workers would not be intimidated. In fact it's an intimidating clause. It says to the worker: "You put your job on the line." You really do, because the minister knows how long the arbitration process is. First of all, what does the person who doesn't have a union do? He's got a long process ahead of him and what does he eat in the interim while it's being heard?

Hon. B. Stephenson: He has two choices.

Mr. Martel: He has two choices, right. He cannot complain about the problems or he can complain and take it through the legal system the minister is going to establish. In the meantime he goes on unemployment insurance or he goes on welfare. I say to the minister that that clause is not necessary. The workers have not abused it; she knows this. Why she put that little hooker in there is beyond me.

[9:45]

Interjections.

Mr. Martel: No, no, forget the explicitness. Delete it. If the minister is going to err, if she is going to come down on someone's side, for a change, as Minister of Labour, come down on the workers' side. I have listened to every cabinet minister—

Hon. B. Stephenson: Oh Elie, why don't you shut up?

Mr. Martel: Is that parliamentary for the minister to tell me to shut up?

Mr. Kennedy: It is a good idea, though.

Mr. di Santo: It's filthy language.

Hon. B. Stephenson: For you it is parliamentary.

Mr. Martel: This is from the lady who objects when you use the term "BS."

Hon. B. Stephenson: Those are my initials. That is why I object to it.

Mr. Martel: That's right, there's lots of it

around. The minister knows the workers have been threatened and fired in this province for a variety of reasons.

Hon. B. Stephenson: For this?

Mr. Martel: Not with this, I am saying in other areas—and that management can find reasons and ways for getting rid of people who cause problems. I am saying under this, when a worker starts to complain in a plant that is unorganized that worker will have no protection against the onslaught of that company, unless he is prepared somewhere down the road to get some relief. I am saying that that little hooker will cause more people to shy away from complaining about adverse conditions; it will cause more people to shy away from utilizing the Act than anything else in the Act. I ask her to get rid of it.

Finally, just on the regulations. The member for Rainy River (Mr. Reid) might understand this. There was a regulation passed recently—in May, to be precise—which did away with the policy where the government was sending doctors to northern Ontario. That's been done away with by regulations. None of us knew it. They're not sending doctors to northern Ontario under the underserved area plan any more. I didn't know it, until I had a doctor that wanted some help. Then I found out that the regulation had been changed. How many of us here knew that the regulation had been changed?

That's what happens with regulations, you see. They get changed. They did away with the program for doctors in underserved areas and none of us knew. And do the members think it can't happen in mining regulations? With the track record of that group? My God. If that can happen in a regulation as important to northern Ontario as that, and none of us is aware of it—I suppose those people who are on the regulations committee didn't even know it was happening. But it went through. And if the government can change it there, it sure as heck can change it in the mining regulations.

Mr. Lewis: Or you can fail.

Mr. Martel: Yes, I am saying to the minister that the regulations must become part of this of this bill. There is just no way that this government can be allowed, in something as important as health and safety, to allow people to play around in the back rooms with regulations—changing them, altering them at will.

I for one, along with my colleagues, realize that this can happen. I hope my friends to the right realize, as I have tried to document briefly, the types of collusion that go on—the

types we can document. Imagine if we could get into the files. This is what came to us inadvertently. Imagine if we had the files.

Mr. Laughren: You shudder.

Mr. Martel: God help me. It would make your hair stand on end. It really would.

Those are the only ones the government has over there like that, is that it? We were lucky enough to get just those cases? Yes, the only ones that happened.

Mr. Lewis: You would have been horrified as a practitioner, never mind as a minister.

Mr. Martel: I urge my friends to the right to say to the government, "Take your hunk of junk back and bring back a bill which protects workers, which gives them the right to protect their lives." Don't leave it up to this motley group who over the years have demonstrated a lack of concern the likes of which you wouldn't believe.

The minister can get up and defend them as long as she wants, but I remember the cancer cases in the sintering plant; I remember Gus Frobel, I remember him well.

Mr. Lewis: Johns-Manville.

Mr. Martel: I recall Johns-Manville. We were involved in them all. I remember the miners taking their jobs on the line every time they took a Drager meter in so that they wouldn't be gassed to death. I remember it all. I know that the occupational health people of the day, in whatever field they were in—whether it was environment or the Workmen's Compensation Board—were aware of it. They weren't bringing it forward.

The minister can tell me I'm a disgrace, that doesn't bother me. I've had minister after minister tell me I was exaggerating. But you know, a couple of weeks, a couple of years later it all came out and I wasn't exaggerating. If I am exaggerating, I'll surrender my seat.

Mr. Lewis: Sure.

Hon. B. Stephenson: You'd better do it now.

Mr. Martel: But the minister can't fool me about what's gone on, because, I've been here 10 years. I have fought this battle for 10 years. I have had minister after minister make wild accusations that I was irresponsible. But I want to tell the minister, each of those cases have come out in the end and we've been right. And I'm asking this minister—

Mr. Lewis: Every one.

Mr. Martel: Even the deaf cases—the industrially deaf cases.

I suggest to this minister she take this back I ask my friends to the right to help us to make this a decent Act by letting the minister

take it back for another two weeks. In fact, she could write it between now and tomorrow. It wouldn't take much to change it.

They know it's necessary. She knows it's necessary. All that's needed is the will. I don't think the minister has the guts for it.

Mr. S. Smith: Mr. Speaker, I deeply regret the amount of time taken by the previous speaker to make his remarks. The member for Rainy River and the member for Erie have been unable to have their opportunity to speak on this bill.

I do want to mention, however, that the member for Erie in November 1970 presented an amendment at that time to set up a safety committee to be established in every mine, comprising equal representation from management and labour to ensure the safety provisions of the Act were complied with. At that time the speaker from Sudbury East, the very same member who has just spoken, would not support that amendment on the basis that it didn't allow for equal participation of labour and management in the actual making of the legislation.

It's obvious to me that the member for Erie was well ahead of his time with a very reasonable amendment, which, had it been carried at the time, might well have improved the situation—

Mr. Martel: Why didn't you read the rest of the amendment?

Mr. S. Smith: —for working people in Ontario.

Mr. Lewis: Absolutely.

Mr. S. Smith: I would like to address myself briefly to the matter at hand because I do want to give, with respect, the minister a chance to make remarks about the bill and to wind up the debate as it is her right and prerogative to do.

I do want to tell you, Mr. Speaker, that I entered politics a couple of years ago and one of my very first reasons for doing so—as a physician—one of my very first speeches in the city of Hamilton had to do with the fact that I was not prepared to stand back and permit our breadwinners, our working people, to be constantly exposed to the kinds of hazards which were damaging their health, stealing their life and breath day by day, while the government seemed to feel far more involvement on the side of protecting management than of protecting the working people of Ontario.

It seems to me that the record of this government is in fact a disgraceful record. It is very true that it is only the pressure brought by opposition members and by labour unions that finally, belatedly and tragically

late, has brought the government at least to the point of bringing forward some bill with regard to occupational health and occupational safety.

The minister knows I'm not criticizing her in this regard. I think her performance has been much better in this regard than any of her predecessors, although in my opinion it still has a way to go before it is totally acceptable to us.

It's not as though this is new in Ontario. Everybody in the mining industry knew years and years ago that it was not wise to hire a miner who had worked in Elliot Lake. That was common knowledge among personnel directors in the mining industry—and don't tell me the government didn't know that. Yet they acted as though this was a great surprise to them and they had to be dragged kicking and screaming every time a compensable type of illness, a work-related illness, was brought to their attention, and it has remained so today.

With regard to the actual bill, the fact is that this bill, although a step forward in some ways, is in some ways not as good as the bill that preceded it.

Mr. Lewis: Precisely.

Mr. S. Smith: Furthermore, the bill requires a lot of improvement. We have thought for a while as to what to do with that bill. We remember the farm income bill, where the appropriate thing to do at that time was to hoist the bill and bring it back, because there was no option of amending it in committee. The fact is that any sensible amendment would have been completely out of order at the time. However, we have studied this bill. We have studied this bill with almost the entire executive of the Ontario Federation of Labour. We have studied this bill with the benefit of some of our counsel and legal opinion.

We believe it is possible to achieve all the aims, which I believe we have in common with our friends from the New Democratic Party, by means of amendment in committee. We respect the view of the member for Nickel Belt. We think he is on the right track in many ways. We respect what he wants to do. In many ways we share this. But we truly believe that the way to do it is not to give the bill back to the very government that has been high-handed and basically misused this entire field; it is to do it ourselves, discuss it here and present our own amendments.

When I talked to the Ontario Federation of Labour I found they were very receptive to that area. I found they were very inter-

ested in the idea of amending the bill rather than hoisting it, and I want to stand up here and amend it.

Mr. Wildman: Obviously you didn't understand them.

Mr. S. Smith: We in the Liberal Party are now drafting amendments, somewhere around 13 to 17 in number, which will be presented here in this House.

Mr. Laughren: And the government may fall on it.

Mr. S. Smith: Without changing the principle—therefore they will be in order—they will fundamentally change the thrust of a good many sections of this bill. There is hardly a section that can go without being amended.

Mr. Lewis: About 45 amendments are needed in all.

Mr. S. Smith: Well, it may be that some can be combined. I say to the hon. leader of the New Democratic Party, it may be that we will accept some of his and he will accept some of ours. But I am convinced that as people of good will we can amend this bill and make it a truly historic bill for the working people.

Let me speak briefly as to the coverage of the bill. There are a lot of workers left out by this bill. Frankly, I don't understand why they have to be left out. One thinks, after all, of hospital workers, hotel workers, inside and outside municipal workers, teachers, support staff in schools and colleges and so on; staffs of provincial hospitals, of institutions of various types, of correctional facilities; workers in medical labs, and farm workers.

In the case of farm workers, we are persuaded that provided action is taken quickly, in consultation with the farm organizations, then we are prepared to accept that there are peculiar circumstances there which might be better dealt with in another bill. But I am by no means persuaded that they shouldn't come under some kind of bill very quickly. We hope this consultative work will take place—as the minister seems to have already started, and I commend her for that—and that there will be a bill brought forward to cover those who work in our agricultural industry.

As far as the standards for toxic substances are concerned, the minister well knows from my discussions with her—I am convinced that the minister knows—that there are in existence already many standards for many toxic substances, not just a few major substances. Some of these are American, some are Canadian, some are foreign to North

America, but surely they should be enshrined in the legislation. Surely we shouldn't have to depend on some type of largesse on the part of the minister to inscribe them by regulation from time to time, either in the open or any other way. They should be in the bill.

Some of them are not excellent, some of them are not perfect; but at least we know now what at this day and age in 1977, however ahead we may be, should be put into the bill. Of course it can be changed by regulation, but it should be in the bill.

Mr. Lewis: "Standard," not "guideline;" a standard that is perfectly reasonable.

Mr. S. Smith: I am sure the minister agrees with me in her heart when I say I have never understood why we have always protected those who somehow ingest substances by mouth, through the oral cavity—they are protected by pretesting legislation, by a demand that there be at least some evidence that the thing isn't poisonous, and we even do the same for substances applied to the skin and so on—yet if a person inhales it, if it comes through a different orifice in the head, if it comes through the nose or the mouth and goes in the trachea rather than the oesophagus, under those circumstances we don't protect anybody. I'll help Hansard with those terms later.

[10:00]

You're allowed to inhale poisons, but you can't eat them. Now where is the logic to that? If you have to pretest for things you eat, you should have to pretest for things you breathe. It seems absolutely inane to me that we should not have some pretesting provision in this bill with real teeth in it. The time has come, after all, to recognize that the distinction is ridiculous. Hundreds of new chemicals come into the work place every year and I truly believe the minister in her heart must surely agree that these chemicals should have at least some kind of evidence that they are not directly toxic; some kind of evidence they've been pretested.

The Environmental Protection Agency in the United States is already doing a pretesting program. Why don't we go into partnership with them? Why don't we pay our share of the cost?

Hon. B. Stephenson: We do; that's exactly what we do.

Mr. Lewis: No, we don't.

Hon. B. Stephenson: You don't want to know.

Mr. Lewis: What do you mean? You won't accept simple reason.

Mr. S. Smith: Why don't we permit, there-

fore, the pretesting results—some of them to be done here, some of them to be done in the States—to be included in this bill? We will amend the bill to make sure that happens.

The inventories that various companies have should be registered. We should know the chemicals that are on the premises, and that way we'll know what the hazards are. The processes should be registered. The companies frequently say these processes are secret and they can't tell anybody. Let's get it into the bill.

As far as employee participation goes, we believe it's important for the employees to have the right to participate in the monitoring. We think they should have knowledge of the monitoring equipment. They should have use of the monitoring equipment. They should be able to lease or loan the monitoring equipment to non-unionized shops so that people can take courses in how to use it and protect themselves.

We believe the time is long past for some expert to come in and do all the monitoring and for workers to be left out. We think they must know the results at all times, and how to interpret the results. They must have access to the results at all times. There must be mandatory safety committees in all reasonable-sized establishments. The member for Sudbury East (Mr. Martel) suggests 10 workers or more; we might agree with that; we might say fewer. But the fact is we have to have those committees.

Surely when a work person is looking for an opportunity to report something in the way of a dangerous work place, he should have the right to have his union representative with him or her at that time. There's no reason to remove that right from a person. Why would you take a thing like that away from a person? If I've misunderstood the bill, I apologize to the minister and she can correct me and I will be corrected.

As to the right to refuse work, of course none of us wants the right to be used in a frivolous manner, but so far that hasn't been the case.

Mr. Lewis: That's right.

Mr. S. Smith: We agree, however, that in some conceivable circumstances in the future, in some bitter dispute on some other topic between union and management, as has frequently been the case in this country, it's a potential weapon. Clearly, something should be done to make sure it's not a potential weapon. But surely the onus should not be on the worker in the way it is in your bill. Surely they should not have to fight for reinstatement through a lengthy procedure that

most of them couldn't possibly survive. Surely he shouldn't have to fear for his livelihood whenever he thinks there's a hazardous situation that he wishes to report. He ought to make errors if there have to be errors; and, naturally, in any reporting mechanism, a person can be honestly mistaken.

Mr. Haggerty: Remove the adversary clause.

Mr. S. Smith: The error should be made on the side of excessive safety, not excessive fear on the part of the worker. It seems to me, therefore, that that has to be changed and we will propose some amendments to do that. We also believe that prevention and education are not well enough dealt with in this bill.

However, just to summarize and to hasten my remarks to a close, the fact is that this is an eminently amendable bill. I expect most of the amendments will be accepted by the government only after they're out-voted by the two opposition parties. Others, perhaps they will accept simply by way of co-operative action. But I say to the House it is an eminently amendable bill.

Although I accept the reasonable thinking of the member for Nickel Belt (Mr. Laughren), I do not believe it makes sense to give this bill back to the government for more civil servants to work on it, and then they'll bring back another bill. I'd rather have this House work on it, in the open, with input from labour and from management. With input from knowledgeable individuals we can amend it ourselves; it's quite amendable, according to the legal opinion that I have had. Let us have it before us in committee. Let us amend it, and let us give the breadwinners and the working people of Ontario a bill that will be a meaningful step forward and a monumental step in the recognition of their right to health as they go about earning their livelihood.

Mr. Lewis: You know, it's going to be a different bill. It's a pleasure; it's an absolute pleasure.

Hon. B. Stephenson: Mr. Speaker, I rise in support of Bill 70. It's one bill which I believe has been developed in this country as a result of full and complete consultation with both parties to the effect of the bill. It supports very strongly the philosophy established by Dr. Ham as one of the most important bases for the development of health and safety legislation—that is the philosophy of dual responsibility.

Mr. Lewis: No, it doesn't.

Hon. B. Stephenson: It does, I believe, fairly clearly set out that there are responsi-

bilities on both sides—on both the side of the employer and the side of the employee. It also defines some of the responsibilities of government very clearly as well.

There apparently are a number of areas in which there is some confusion about what the bill says. Our activities in translating those salient sections of Bill 139 to this one were confined only to clarifying what Bill 139 actually said. Indeed, there is no change at all in the right to refuse. Indeed, there is no increased intimidation of the worker in the area of the right to refuse.

Mr. Lewis: Oh, come on.

Hon. B. Stephenson: Indeed, there is no increased activity in coercion on the part of the employer than was implicit in Bill 139.

Mr. Laughren: Disciplinary measures?

Hon. B. Stephenson: They are simply spelled out more clearly than they were before.

As far as increased coverage is concerned, we have looked very carefully at this and decided that the expansion of coverage would be best done in co-operation with both the employers and the employees in those parts of the industrial sector in which it was considered wise to expand the coverage. Therefore, we've made overtures to the agricultural community through the Agricultural Advisory Committee and the Advisory Council on Occupational Health and Safety to begin this in the agricultural area.

We intend to do precisely the same thing in the other areas which have been mentioned, particularly in those areas related to ministries of the Crown that function as client groups or are responsibilities of the ministry. So both the employers and the employees—such as school boards and their employees, hospital boards and their employees, boards of other institutions and their employees—can sit down together with the assistance of the ministry and work out the appropriate regulations for the extension of coverage in health and safety to those groups.

Much has been said about the lack of inclusion of standards, particularly for toxic substances and other materials which might be of hazard to a worker within the bill. It's almost impossible to include those as standards within a bill. They require rapid changes from time to time and must be amenable to those changes. They must be available to be changed as well.

Mr. Lewis: That's not what was said.

Hon. B. Stephenson: If we have to bring the bill in every time a substance is going to be designated, so that it may become standardized, then it's going to be an extremely

cumbersome and non-protective mechanism for workers.

Mr. Reid: That is a red herring if there ever was one.

Hon. B. Stephenson: No, it is not.

Mr. Lewis: Make them standards, not guidelines. That's what we said to you.

Hon. B. Stephenson: Indeed, what the bill already says, and I would like to point this out very clearly to my colleagues in the House, is that this program in occupational health and safety includes five major features. It includes prevention, primarily because it prescribes the way in which certain substances and materials will be handled. Second, it's advisory to both employers and employees on the standards which are set. Third, it is supervisory in nature, in order to ensure that there is compliance with the legislation on both the part of the employer and the employee. Fourth, it is remedial, in that directions are left when that compliance does not occur. Fifth, it is regulatory in that it establishes audits, standards, monitoring, inspection and enforcement.

It also provides for information, education and training, perhaps not quite as rigidly as some of my colleagues would suggest, but I would remind them that under the regulations which have been established—and I think we should make this very clear—the protection is provided by the use of the standards which have been set by ACIGH and by other regulatory bodies throughout the world with whom we have constant communication and that TLVs and guidelines have been established for a large number of substances.

Those, of course, will continue to be used until there are modifications made because we learn more about what the protective mechanisms should be. But in any substance, whether it be biological, chemical or physical, under this Act records are prescribed to be kept and made, kept by both owners and employers, and that information must be available to the workers.

In addition to that, the Act regulates or prohibits the handling or exposure to use, and disposal of any material biological, chemical, physical agent or combination thereof. It regulates and prohibits atmospheric conditions to which any worker may be exposed in a work place. It prescribes the methods, the standards, the procedures for determining the amount, the concentration or the level of any atmospheric condition, or any biological, chemical or physical agent or combination thereof. It prescribes, as well, any biological, chemical, physical agent or

combination thereof, as a designated substance.

It not only identifies but it does, also, prescribe the way in which these things will be kept in records, will be utilized and the way in which the worker will be protected against them, whether it is a designated substance or not.

There is no Act anywhere which will protect the worker as well as this one will in terms of toxic chemicals. There are provisions under the Act for enabling the pre-testing, in so far as it is possible to do, of new materials. But I would remind the members that it is prescribed in the Act that every new process and every new combination or single chemical which is to be introduced in the work place, must be reported to the Ministry of Labour so that it can be examined and tested to see whether, indeed, it is likely to be toxic or not.

Mr. Lewis: Only if they are thought to be dangerous.

Hon. B. Stephenson: No, no. We can use those communication connections which we have established with other sources of such information, and which can be done very rapidly—

Mr. Lewis: That's not the way it reads.

Hon. B. Stephenson: —in order to ensure it will not be introduced if it is likely to be of great hazard, or that if it is hazardous there will be protection for the workers in those instances.

Mr. Laughren: And who knows? There is the hooker again, the old hooker in this legislation.

Hon. B. Stephenson: We have not specifically prescribed within the legislation the way in which the ministry will be supporting educational programs, but indeed, not only are we doing it now, but this program will be enhanced. We have not, for example, said exactly what the educational program will be that the Ontario Federation of Labour and the community colleges are going to establish jointly, with the funds granted this week under the lottery program by the Ministry of Labour, because the OFL wanted the capability to develop the programs in the way they felt would be most appropriate for the workers they choose to become involved with them. We respected that kind of attitude and that feeling that it was their responsibility, with whatever assistance we could give them, to develop those kinds of educational programs.

In addition, our major thrust in funding, as well as at the community college level,

will be directed both to workers on the job and to those individuals who want to upgrade their capabilities in occupational health and safety in order to function better in the area of health and safety committees and also at the university level for the training of the required number of professionals of which we have a great dearth. We feel very strongly about our responsibilities to education and are doing all we can in order to improve our role in this area.

There has been a good deal said about an occupational health institute in the province of Ontario. There was a statement made by the Premier (Mr. Davis) that one would be established. Such a commitment, of course, must be reviewed periodically and it was reviewed specifically—

Mr. Martel: Around election time.

Hon. B. Stephenson: —with the federal Minister of Labour when he began to discuss the possibility of establishing what would be much more rational—a national institute of occupational health and safety. The problems in that area do not simply affect the province of Ontario, but affect all provinces and all workers across Canada. As a result of our discussions with the federal minister, we have been attempting to ensure that there would be no duplication of effort.

Mr. Laughren: Why do you apologize for the Premier? Let him apologize for himself.

Hon. B. Stephenson: The kind of things which we are trying to fund through our contract research in the province of Ontario will be utilized right across the country rather than just in the province.

I understand there are to be five regional centres associated with the national one. If, indeed, there is not to be a centre in the province of Ontario, with which we would be co-operating and assisting, we will be re-examining our commitment to the national centre.

[10:15]

I think it's very important that the members of this House recognize we have carried out all of the activities in the development of this bill in the light of the communications we have had from those people who are specifically concerned about occupational health and safety, in addition to our own staff and to my own personal commitment.

Mr. Laughren: A record of broken promises.

Hon. B. Stephenson: We have felt very strongly that we must indeed support the

concerns and the expectations of all the people who work in the province of Ontario. I have also one small contribution to make to the reading-in of material in this debate this evening—one letter which I think is significant and which I would like to have recorded in Hansard.

The letter is addressed to me, dated October 25, 1977. It is from the University of Toronto school of graduate studies and it says, and I quote:

“Dear Dr. Stephenson:

“I have now had an opportunity to examine Bill 70, An Act respecting the Occupational Health and Safety of Workers. I believe it to be an excellent bill which, if passed and implemented in essential substance, will serve well the working people of Ontario. May I congratulate you and your staff on its formulation.

“Yours sincerely,

“James M. Ham,

“Dean of Graduate Studies,

“University of Toronto”

Mr. Speaker: Hon. B. Stephenson has moved second reading of Bill 70. Mr. Laughren has moved that the bill be not now read a second time but the bill be referred back to the government to have incorporated therein various measures.

The House divided on the question, shall the bill be now read a second time, which was approved on the following vote:

AYES

Ashe
Auld
Baetz
Belanger
Bennett
Blundy
Bolan
Bradley
Brunelle
Campbell
Cureatz
Davis
Drea
Eaton
Elgie
Epp
Gaunt
Gregory
Grossman
Haggerty
Hall
Handleman
Havrot
Henderson
Hodgson
Jones

NAYS

Bounsall
Breaugh
Bryden
Charlton
Davidson
Davison
di Santo
Dukszta
Foulds
Germa
Gigantes
Grande
Laughren
Lawlor
Lewis
Lupusella
MacDonald
Mackenzie
Makarchuk
Martel
McClellan
Philip
Swart
Warner
Wildman
Ziemba

AYES

Kennedy
Kerr
MacBeth
Maeck
Mancini
McCaffrey
McCague
McGuigan
McKeough
McKessock
McNeil
Miller, G. I.
Newman, B.
Norton
O'Neil
Parrott
Peterson
Reid
Rhodes
Riddell
Rowe
Roy
Ruston
Scrivener
Smith, S.
Smith, G. E.
Snow
Stephenson
Sterling
Stong
Sweeney
Taylor, J. A.
Taylor, G.
Timbrell
Turner
Van Horne
Villeneuve
Walker
Welch
Wells
Williams
Wiseman
Yakabuski

Ayes 69; nays 26.

Ordered for standing resources development committee.

[10:30]

BUSINESS OF THE HOUSE

Hon. Mr. Welch: Perhaps we might take advantage of this point to discuss the order of business for next week. On Monday afternoon and evening, and on Friday morning, the House will be in committee of supply. Tuesday, being legislation day, we will take into consideration Bills 91, 88, 98, 97 and 94. On Thursday afternoon we will do private members' ballot items 13, standing in the name of the member for Middlesex (Mr.

Eaton), and 14, standing in the name of the member for Wentworth North (Mr. Cunningham). Thursday evening the House will take into consideration the final report of the Morrow committee.

Mr. Speaker: Under standing order 28(a), an order for adjournment has been deemed to have been made. I will recognize the hon. member for Downsview for up to five minutes.

BRIBERY CASE

Mr. di Santo: Mr. Speaker, the minister has obviously copped out, but I want to make my argument because I think—

Mr. Speaker: Order, I think in all fairness, maybe if the hon. member for Downsview can wait just a minute until other members have made their exit, it may be easier for him to be heard.

An hon. member: Maybe the Attorney General (Mr. McMurtry) will get in here too.

Mr. di Santo: Mr. Speaker, I don't understand the reluctance of the Attorney General to answer the question that I have asked twice. Above all, I don't understand why today he refused to clarify a question that I think is very important. The prosecutions I was talking about in my question were the result of a long investigation by Judge Harry Waisberg into the construction industry and episodes of violence and illegality that took place in that industry early in the seventies.

The question I asked the Attorney General was, why was it that the Crown attorney chose to prosecute the bribee in the case of the company, Marion Construction, and Melvin Kurtz, and not the briber?

In his answer, the Attorney General said one of the reasons was that in the Crown's view it was necessary in this case to refrain from prosecuting one or the other of the giver or receiver in order to have the evidence of one to have a successful prosecution.

I submit that in this case this is not true because, on page 179 of the report, it is said of Mr. Melvin Kurtz: "He admitted receiving \$19,500 from Marel Contractors and \$8,350 from Juliani Construction," so there was no

reason in this case that one of the two parties would not admit their culpability.

Moreover, the case was very clear because Judge Waisberg writes in his report that "the attitude of the employers is summed up in the following evidence of Marco Muzzo, one of the larger drywall contractors."

Transcript volume 7, page 583:

"Mr. Humphrey: So you were not opposed to the general practice of bribery, you were only concerned whether it worked or not?"

"Mr. Muzzo: That is right. It goes without saying that this attitude is quite cynical and improper and in some circumstances illegal. It should be clearly understood that those who give are at least as blameworthy as those who take."

I think there was a very clear pattern in this case of the people who committed illegalities and there has been a very clear choice on the part of the Crown attorney. He chose to prosecute an employee of the company who was giving jobs to the contractor. In fact, that was the only reason the bribery took place, as Mr. Muzzo admitted to Judge Waisberg, and again it's documented in his report.

I think the reason only the bribee was chosen and not the briber, was not only a legal one, nor was it for the purpose of finding evidence to get a successful prosecution, but there are other reasons. In fact, the president of Peel Village, the company for which Melvin Kurtz worked—

Mr. Speaker: The hon. member's time has expired.

Mr. di Santo: —said, "I can fire him any time." I want to remind the Attorney General that it's much easier to prosecute striking workers than the people with whom we dine quite often.

Hon. Mr. McMurtry: Again I have nothing to add to the very lengthy and comprehensive answer that was given to a relatively unintelligible question from the member for Downsview.

An hon. member: Oh, shame.

Mr. Speaker: I deem the motion to adjourn to have been carried.

The House adjourned at 10:42 p.m.

CONTENTS

Thursday, November 24, 1977

Occupational Health and Safety Act, B. Stephenson, second reading	2235
Business of the House, Mr. Welch	2261
Debate re answer to oral question on Bribery Case, Mr. di Santo, Mr. McMurtry	2262
Adjournment	2262

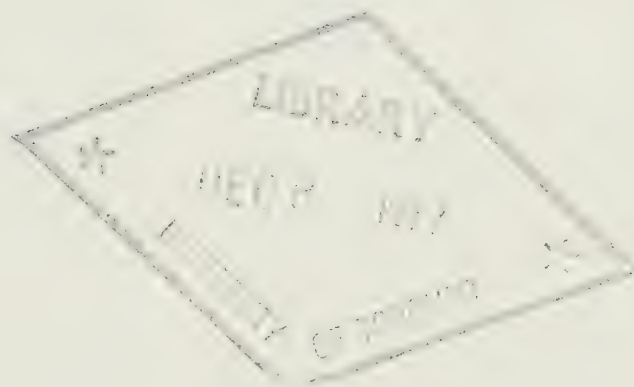
SPEAKERS IN THIS ISSUE

Bolan, M. (Nipissing L)
 Bounsall, E. J. (Windsor-Sandwich NDP)
 Davidson, M. (Cambridge NDP)
 di Santo, O. (Downsview NDP)
 Edighoffer, H.; Deputy Speaker (Perth L)
 Gaunt, M. (Huron-Bruce L)
 Germa, M. C. (Sudbury NDP)
 Gregory, M. E. C. (Mississauga East PC)
 Haggerty, R. (Erie L)
 Kennedy, R. D. (Mississauga South PC)
 Laughren, F. (Nickel Belt NDP)
 Lewis, S. (Scarborough West NDP)
 Mackenzie, R. (Hamilton East NDP)
 Maeck, L. (Parry Sound PC)
 Makarchuk, M. (Brantford NDP)
 Mancini, R. (Essex South L)
 Martel, E. W. (Sudbury East NDP)
 Reid, T. P. (Rainy River L)
 Rhodes, Hon. J. R.; Minister of Housing (Sault Ste. Marie PC)
 Riddell, J. (Huron-Middlesex L)
 Rotenberg, D.; Acting Speaker (Wilson Heights PC)
 Smith, S.; Leader of the Opposition (Hamilton West L)
 Stephenson, Hon. B.; Minister of Labour (York Mills PC)
 Sweeney, J. (Kitchener-Wilmot L)
 Taylor, Hon. J. A.; Minister of Energy (Prince Edward-Lennox PC)
 Welch, Hon. R.; Minister of Culture and Recreation, Deputy Premier (Brock PC)
 Wildman, B. (Algoma NDP)



Legislature of Ontario Debates

Official Report (Hansard)
Daily Edition



First Session, 31st Parliament

Friday, November 25, 1977

Speaker: Honourable John E. Stokes

Clerk: Roderick Lewis, Q.C.

CONTENTS

A list of the speakers taking part in the debates in this issue of Hansard appears, in alphabetical order, at the back of this issue.

Daily contents of proceedings also appears at the back of this issue. Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff. Phone 965-2159.

Hansard subscription price is \$15.00 per session, from: Sessional Subscription Service, Printing Services Branch, Ministry of Government Services, 9th Floor, Ferguson Block, Parliament Buildings, Toronto M7A 1N3. Phone 965-2238.

Published by the Legislature of the Province of Ontario.
Editor of Debates: Peter Brannan.

LEGISLATURE OF ONTARIO

FRIDAY, NOVEMBER 25, 1977

The House met at 10 a.m.

Prayers.

STATEMENTS BY THE MINISTRY

PROVINCIAL PARKS

Hon. F. S. Miller: Mr. Speaker, I should like to advise the members of this House that increases in provincial park fees and restrictions on the consumption and possession of alcoholic beverages in parks have been approved by the cabinet. Both changes will come into effect April 1, 1978.

Mrs. Campbell: April Fool's Day.

Hon. F. S. Miller: Canadian senior citizens, however, will continue to be given free day-use and free camping in provincial parks. Day-use fees for parks have been revised from the \$1.50 current flat fee for a private vehicle and occupants. Beginning next April the rates will be a charge of \$1 per vehicle plus 50 cents for each occupant.

The current \$15, charge for an annual vehicle permit, with no charge for occupants, will change to \$10 per vehicle but each occupant will be charged 50 cents per visit.

There will be no charge for occupants who are either Canadian senior citizens or children 16 years and under.

The regular campsite fee will increase to \$5 and to \$5.50 in campgrounds with comfort stations. The additional fee for a campsite with electricity will rise to \$1.50. The fee for an additional vehicle will become \$3. The cost of interior camping will become \$3.

A significant rise in the operating and maintenance costs of Ontario's 127 provincial parks has necessitated these fee increases. It is the government's policy that a fair share of the total operating and maintenance costs of our parks should be paid by the users. This is consistent with one of the recommendations made by the Ontario Provincial Parks Council in its annual report. On the other hand, capital investment for land acquisition and park development is not charged back through user fees.

In 1972, when the park fees were last raised, the "fair share" represented 60 per cent of the operating and maintenance cost, but in the past five years this percentage has

slipped to about 34 per cent. Due to inflation the direct costs of the parks have increased substantially. Wages and the cost of goods and services have escalated in every aspect of park operation.

Under the new restrictions on the use of alcohol in parks, possession of an open container of alcoholic beverages will be limited to campers on their campsites. In addition, alcoholic beverages will be banned entirely in certain southern Ontario parks at selected periods during the season.

These two measures are aimed at assisting in the control of rowdiness, about which the Ontario Provincial Parks Council expressed concern in its annual report.

During the first year, in 1978, alcohol bans will be applied on an experimental basis. A list of provincial parks selected for total alcohol bans, along with dates when the ban will be applied, will be widely publicized prior to the opening of the 1978 provincial park season.

AMENDMENTS TO BILLS

Hon. Mr. Grossman: Mr. Speaker, a number of inquiries have been made as to the government's plans concerning the Securities Act, the complementary amendments to the Business Corporations Act and the Commodity Futures Act. Today, I wish to state the government's commitment to proceed with the legislation early in the new year.

The government is dedicated to the high standards of disclosure and investor protection which will be afforded through the new Securities Act. This bill has been developed over a period of five years by a series of exposure drafts and in close co-operation with other provincial securities administrators.

We also feel strongly that the high standards of protection should be extended to individuals trading in commodity futures contracts.

Because of the tight calendar this fall, combined with the decision to review the legislation with the new chairman of the Ontario Securities Commission who joins my ministry at the start of 1978, we have elected to proceed in the spring session.

We will be substantially staying with certain key provisions of Bill 30. These include:

Takeover, insider and issuer bids; timely and continuous disclosure, prohibition against "tipping" and expanded civil liability rules; restriction of exemptions for financial institutions, particularly banks, from registration requirements; expansion of the reporting issuer-continuous disclosure-insider trading concept to include all classes of publicly traded issuers, including the currently exempted financial institutions; regulation of commodity-oriented investment contracts not covered by the Commodity Futures Act; and underwriter liability provisions for deficiencies in prospectus filings, a potentially serious omission in the present legislation.

The bill also provides useful administrative changes, including a revised procedure which would enable a speedy appeal to the commission from a staff decision on a policy or isolated matter.

By holding the legislation over until the new chairman is in place, we will have the opportunity to reconsider three aspects of the bill. These are:

1. The "closed system" of registration and prospectus exemptions;
2. The rules regarding the regulation of mutual funds; and
3. Whether some modified version of the present "private agreement" exemption found in the takeover bid part should be restored to the bill.

The bill will of course be referred to committee after second reading for detailed scrutiny and opportunity for further representations will be given at that time.

The securities bill is designed to provide a model for other provinces. We have received reasonable assurance that its adoption as a uniform provincial Act will afford all Canadians with the high level of protection which will be enjoyed by Ontario investors.

The paramount objective of the Commodity Futures Act is to assure that those permitted to act as brokers, advisers or salesmen are honest, competent and of good reputation. The Act is also designed to provide minimum information about the kinds of contracts which may be traded and the exchanges on which they may be traded.

In tandem, the package is aimed at enabling the smaller investor to deal in the marketplace with greater confidence and security.

I want to affirm our intention to have the new bills ready early in the spring session in order that they may be passed into law by next summer.

We sincerely hope that the securities community will note today's comments and use

them as a guide to our current thoughts, concerns and intentions.

VISITOR

Mr. Speaker: Just before oral questions, I would like to call the attention of members to the fact that we do have a visitor under the Speaker's gallery at the west end. Her name is Svava Jakobsdottir from the Icelandic Parliament. Would you welcome her, please?

ORAL QUESTIONS

GROUP HOMES

Mr. S. Smith: Mr. Speaker, a question of the Minister of Community and Social Services. I would like to question him this morning regarding group homes and the policy of the province toward the licensing and location of them.

Can the minister tell us whether the province has decided to establish a uniform licensing procedure as requested to do so in the city of Toronto report of the working committee on group homes? And further, can he tell us whether the province has decided on a way to ensure that each municipality does take its fair share of group homes, properly defined, so as to avoid the situation where certain individual municipalities are forced to take, or find themselves in a position where they end up taking, more than an appropriate share of group homes?

Hon. Mr. Norton: With respect to the matter of licensing, the law reform package or the proposals that I indicated would shortly be made available—I expect it will be within about two weeks that they will be available for discussion with members of the House and members of the public generally—will include some recommendations with respect to that part of the question. So we have been working on that issue.

With respect to standards we also have, and have had for some time—since the opportunity rested with this ministry to co-ordinate children's services—a group working specifically on the question of standards which we hope to be able to implement and enforce on a province-wide basis.

On the other part of the question with respect to the resistance and the problems with respect to zoning that exist in some municipalities, I do not at this time have a universal solution for the whole of the province. We are still trying to work using persuasion and whatever other methods we may have presently at our disposal. But as I indicated in an earlier comment in the

House, if that continues to be a course that creates road blocks, as it has in a number of instances so far, I am prepared to make recommendations to my colleagues to take appropriate action to ensure that this kind of resistance does not continue.

[10:15]

Mr. S. Smith: By way of supplementary, Mr. Speaker, while looking forward to the proposals which the minister will bring before us, as he says, in about two weeks—and I welcome that prospect—may I ask the minister whether he might not consider moving a little more forcefully in the area of requiring municipalities to take their fair share? For instance, could he call together a meeting of municipalities under his aegis and let them know that this government intends very seriously not to have to go through the lengthy appeals to cabinet, such as with Mississauga and Sault Ste. Marie, but in fact will get on with a policy whereby everyone has to take his share?

I apologize for the lengthy nature of the supplementary. But does the minister not recognize that the present discussion in the city of Toronto and in Metropolitan Toronto will be in some way affected by their requiring to know what the province's stance is likely to be in this particular matter?

Hon. Mr. Norton: I thought that, short of the precise action that the hon. Leader of the Opposition suggests, I had made myself and the policy of this government quite clear in statements that I'd made both in this House and elsewhere. I think the decisions that have been made on the appeals that have come to cabinet have been consistent and should indicate further our determination to see that this policy is implemented across the province.

I have seen no evidence since the last decision to indicate that municipalities will not take cognizance of that.

If it appears that they will not, certainly I will contemplate further action, whether it be to bring together municipal officials for a meeting, or to take some more concerted action of a different nature at the provincial level.

Mr. Eakins: Supplementary: Since many of the problems—and I've had letters from the counties in regard to this—have to do with the acceptance of the young people in the schools, has the minister discussed with the Minister of Education (Mr. Wells) the setting up of special teaching facilities to accept these young people from group homes? It seems to me it's a matter for interministerial co-operation.

Hon. Mr. Norton: Mr. Speaker, I have not recently discussed that specifically with the Minister of Education. But I would caution the hon. member that I would have some concern about setting up special educational facilities, except perhaps in very extreme circumstances, because surely part of the purpose of a group home function is that the residents may relate to the community in which they live. It seems to me if we were to make it a matter of practice that those persons—I presume the member is contemplating youths—who would be living in a group home setting might be educated in a setting separate from other children of the community, I would not see that as a desirable direction for us to move in. If you're thinking in terms of assisting school boards with the special problems they might have as a result of that, that's something that I think we could explore.

ACTIVITIES OF RCMP

Mr. S. Smith: A question of the hon. Attorney General, Mr. Speaker. Has the Attorney General in fact received a letter from the RCMP concerning their alleged access to OHIP records? Has he discussed such a letter with the Minister of Health (Mr. Timbrell)? Will he share the contents of the letter, if it exists, with the House?

Hon. Mr. McMurtry: Mr. Speaker, I have received a preliminary report from the RCMP and I have shared its contents with the Minister of Health. I think it may be of assistance to the House if, at this point in time, I were to read a quote from this letter, although we've asked for further details.

I'm reading the first paragraph of the letter. The letter is addressed to myself:

"Dear Sir:

"In accordance with your verbal request of November 14, 1977, and formal request of November 16, 1977, for a report on the subject of the allegations made in the media with respect to the RCMP in Ontario obtaining and utilizing confidential OHIP records for blackmail and disruptive purposes, I should like to advise as follows:

"First, we do not have any paid informants in OHIP. Secondly, the information requested and voluntarily supplied by OHIP on an investigation-by-investigation basis has been biographical in nature . . ." I should pause to indicate that that means only name, age, sex and current address. That is what is meant by the term "biographical"—it does not go further than that.

"Finally, at no time has the force in Ontario sought or obtained medical files from

OHIP nor has it used such medical files for the purposes of blackmail or disruption."

Mr. S. Smith: By way of supplementary, I don't have the letter in front of me, but is the minister satisfied with that answer? Will he be seeking any clarification of such terms as "biographical" which may have other meanings than the one the minister has put before us? Furthermore, with regard to there existing no paid informants, is he convinced that there are no unpaid informants working at OHIP? Basically, is the minister ready to put to rest this entire matter based only on that letter?

Hon. Mr. McMurtry: No, I thought I made it clear at the outset that I was waiting for a further report and for further clarification. I don't regard this letter as having put the matter to rest. But insofar as biographical data is concerned, I quote again from the letter where it states: "OHIP biographical data sought consists of such things as current address, date and place of birth, and employer."

I repeat that I have requested further clarification, and when I am in receipt of this information, I will advise the House accordingly.

Mr. Deans: Supplementary question: Can the minister explain why the RCMP would be going to OHIP to get that type of information? And why OHIP would be authorized to give that information to anyone at all under any circumstances? Why is that information so readily available?

Hon. Mr. McMurtry: Mr. Speaker, firstly, I can't answer that question in the affirmative—that it is so readily available.

Mr. Deans: It says it is.

Hon. Mr. McMurtry: I've indicated that this information has been available and it has been used to trace individuals who are involved in very serious criminal activity.

Mr. Deans: How does the minister know that?

Hon. Mr. McMurtry: The extent to which that information has been available to the RCMP, I simply am not in a position to know at this point. That is one of the reasons why I've requested further clarification.

I will be meeting with the RCMP. I will be discussing the matter. I've discussed the matter with the Minister of Health briefly. We will be meeting to discuss it further. That's all I can advise the House at the present time. I repeat, the matter does not rest here.

Mr. S. Smith: Just a brief supplementary: Do I take it there is more in that letter which

the Attorney General wishes at this time not to share with the House? And if not, will he please table the entire letter? Is he able to assure the House that when he speaks of biographical data that that does not include the place of hospitalization and the diagnosis as well? Will he check on that just to be certain?

Hon. Mr. McMurtry: In answer to the last part of the question, yes, I will clarify that. The letter is a confidential letter inasmuch as it refers to examples of cases that the RCMP are actively investigating at the present time to provide examples of the type of cases in which biographical data was sought—in cases involving, as I said, for the most part, criminal activity and offences relating to the Immigration Act, the Customs Act, the Narcotic Control Act and counterespionage activities as well as the Criminal Code.

Mr. Deans: I have one final supplementary, if I may. Can the minister indicate to us who at OHIP is authorized to release that information upon request?

Hon. Mr. McMurtry: Again, Mr. Speaker, I don't have that information. It's a matter that is of great concern and interest to the Minister of Health. I know that he has been looking at the matter.

Mr. Deans: Does the minister mean he doesn't know?

Mr. MacDonald: He may know.

Hon. Mr. McMurtry: He may know. He's not here this morning and I haven't spoken to him in the last two or three days about this matter. I know he's had the matter under active investigation in his own ministry.

Mr. Warner: He's beginning to sound like Francis Fox.

Hon. Mr. McMurtry: Actually, all I know at this time in relation to the ministry is what I heard on the radio this morning—that the minister was quoted as saying that he's satisfied that the RCMP have had no access to any material other than this bare-bones biographical material. That is obviously a question that I would think that the hon. member would like to direct to the Minister of Health.

Mr. Deans: I am waiting for answers to last week's questions.

Mr. Nixon: The story said that the minister didn't have a letter.

Mr. Speaker: The hon. member for Ottawa East has a final supplementary.

Mr. Roy: Mr. Speaker, my supplementary question to the minister is in relation to his inquiry of the RCMP. Did he limit his inquiry of the RCMP to hospital records or did he also inquire into the RCMP activities per-

taining to either a question he'd been asked earlier about any activities in relation to political parties or to any activities that they may or may not have had in relation to what we have read recently about college campuses and the tapping of phones in student residences et cetera?

Hon. Mr. McMurtry: Mr. Speaker, in relation to the questions that were asked some days ago by the leader of the New Democratic Party, I made it clear at that time; as a matter of fact, I sent him a copy of the letter that I wrote to the RCMP in relation to the allegations of investigation of political parties. I have not had a response. I spoke to the federal Minister of Justice yesterday and asked when I might reasonably expect a response. He indicated that he had again been discussing the matter very recently with the federal Solicitor General and that a response would be forthcoming almost immediately.

In relation to the alleged activities pertaining to college campuses, I must confess that that's the first I've heard of that allegation.

Mr. Roy: It's in today's *Globe and Mail*—about the University of Ottawa.

Hon. Mr. McMurtry: I'd like to say that I am as ardent a reader of the *Globe and Mail* as the member for Ottawa East, but I'm afraid that this is the first time I've heard of it.

ACTIONS OF POLICE AT BURLINGTON

Mr. Deans: Mr. Speaker, I have a question of the Solicitor General. Given that the Ontario Police Commission appears now to have turned the whole matter of the alleged brutality in Halton-Burlington back to the local police commission, and given that there appears to be some indication that there is a pattern of brutality which is borne out, at least, by the statement of one former officer, doesn't he feel that the Ontario Police Commission might follow the request that I made last week and review the previous practices within the force to determine if there is, in fact, a pattern?

Hon. Mr. MacBeth: I might review some of the things that have happened since the hon. member raised the point with me.

In the interval, the Halton Regional Board of Commissioners of Police met with the Ontario Police Commission on Monday, November 21. The board brought to the meeting all the files concerning the various complaints. In reviewing the files it has been determined that the procedure regarding complaints devised by the Ontario Police Com-

mission for use by all municipal police forces in Ontario is being followed in Halton. The investigations concerning alleged brutality in Halton have not all been completed but Halton will continue to apprise the Ontario Police Commission of each step being undertaken in the investigations.

[10:30]

With regard to former constable Roy Murden, the Ontario Police Commission advised the Halton board of their powers under the Police Act to subpoena him to obtain information about the incidents described in the press. The board plans to consult with its own counsel about the steps it can take regarding Murden. The Ontario Police Commission feels that the Halton board is presently following the proper procedure. If the commission at some time feels that Halton is not dealing adequately with its investigation, it may intervene.

If any complainant is not satisfied with the disposition by the board of commissioners of police, then he may in turn appeal to the OPC. So the OPC in brief has established a procedure. It has consulted with the Halton board and has now requested the board to follow that procedure suggested by the OPC and it is monitoring it.

Mr. Deans: One supplementary question: Doesn't the minister feel that as a result of the publicity given to the statement by Roy Murden of the alleged brutality, that it doesn't make much sense at this point to have the Halton police commission investigating in an area where the individual is no longer with the force? Does he not feel that it requires the action of the Ontario Police Commission, or perhaps the Attorney General's office, which I asked yesterday about, to look into all of the incidents, to conduct an investigation not only into what was said by Murden but also to find the individuals who were involved and to determine whether or not they were threatened, or whether or not the action of Murden kept them from laying charges at the time or requesting an investigation?

Hon. Mr. MacBeth: Mr. Speaker, it is my understanding that this is part of the procedure they are going through. One of the points I mentioned was that Murden himself can be subpoenaed. I would agree with the member that may not be sufficient, although he has been surprisingly outspoken in what he himself has said about his former conduct.

I agree with the member that that kind of investigation is not enough and I expect that investigation will go on. The member has the added assurance of the Crown attorney out

there that if he is not satisfied with the procedure, he himself is going to ask for some inquiry.

MINING TAX

Mr. Deans: Question, Mr. Speaker, for the Premier: I am asking this question as a result of yesterday's question and the decision in Saskatchewan. Can the Premier indicate whether there is now a discussion taking place, or will there be a discussion taking place, between the province of Ontario's law officers—looking at the Act in the province—and the federal government, to determine whether or not there are breaches in Ontario with regard to the procedures used by the province to tax the mining corporations? If so, rather than waiting until we get into the Supreme Court of Canada, can we move swiftly to correct whatever unconstitutional acts we may well be undertaking?

Hon. Mr. Davis: Mr. Speaker, I suggested yesterday that I would be discussing this with the Attorney General because I am reluctant to give personal legal opinions. I am not sure whether the Attorney General has had an opportunity yet to get a reply on this complex matter from his law officers. If he has, I am sure he would be delighted to share it with the member. If he has not as yet, I am sure he will be delighted to share it with him just as soon as he has it.

Mr. Deans: Has the Attorney General had the opportunity?

Hon. Mr. McMurtry: Mr. Speaker, I think I should correct a misunderstanding that I am told arose yesterday. That is with respect to the role of our province in the Supreme Court of Canada in relation to the Saskatchewan case.

We did not intervene in this case. It was our view there were none of our revenue statutes or any other statutes affected by the issue that was to be determined by the Supreme Court of Canada and that was the reason we did not intervene.

I will be discussing this matter again in the light of the Supreme Court of Canada decision with our senior law officers in order once again to be assured that there is no legislation that has been affected by this decision. I am certainly going to ensure that this case is carefully reviewed for those reasons.

FOOD PROMOTION

Mr. McKessock: I have a question which, in the absence of the Minister of Agriculture and Food (Mr. W. Newman), I will direct to the Premier.

In view of the fact that this button I am wearing says "Foodland Ontario" and is part of the Ontario food promotion campaign, and in view of the fact that many people ask me what it is for, which gives me a chance to suggest to them that they buy Ontario foods only, and also to tell them that we have trouble stopping import foods coming in and putting Ontario farmers out of business, but if we buy Ontario foods we will be able to keep Ontario—

Mr. Speaker: I still haven't heard a question.

Mr. McKessock: —farmers producing and thereby guaranteeing forever a good supply of quality food for Ontario consumers produced right here—

Mr. Speaker: That's not a question.

Mr. McKessock: —would the Premier send me 1,000 of these buttons so that I can get other people involved in this Ontario food campaign?

Mr. Foulds: Just say yes.

Mr. Roy: Don't make a speech; just send him the buttons.

Hon. Mr. Davis: I'm delighted that the hon. member is following the initiative created by the Minister of Agriculture and Food and has himself become such a promoter of that particular campaign. I certainly appreciate his support.

Mr. Roy: How about the buttons?

Hon. Mr. Davis: Whether or not, under the restraints within which the ministry is operating, there are 1,000 of those buttons available, I will certainly inquire. The hon. member might start off with perhaps 30 or 40 which we could supply for all members of his caucus, who would, hopefully, become as equally committed to the consumption of both solid and liquid nourishment that is produced here in the province of Ontario.

(As I said the other day to some of his friends who were concerned about the price of coffee—a concern I share—milk is an excellent substitute and it is produced here. I might even add that we produce in the great city of Brampton excellent agricultural products and I personally and my family are in support of them.)

Mr. S. Smith: You certainly provide enough fertilizer.

Hon. Mr. Davis: I might add, in that he was allowed to make a rather lengthy speech as a preamble to his question, we are also advocating the use of apple juice rather than orange juice in the morning—

Mr. Peterson: Have you started taking apple juice with your rum? Do you recommend it with rum?

Hon. Mr. Davis: I find it isn't quite the same, but certainly for breakfast—and I have never had the two for breakfast—I find apple juice is an excellent source of vitamin C.

Mr. Peterson: What do you have for lunch, now that you are on the subject?

Hon. Mr. Davis: For lunch it is quite often tomato juice. I like to vary them, and we do have grape juice from time to time. If there is anything more I can tell the hon. member, if there is anything else he wants to know about my eating habits, I would be delighted to share it with him. I'll see how many buttons I can get for him.

Mr. McKessock: A supplementary, Mr. Speaker—

Mr. Speaker: That was a very complete question and a very complete answer. I don't know how you could find a supplementary.

Mr. McKessock: I have a brief supplementary: Would the Premier, for starters, send each member of this Legislature a half dozen of these food promotion buttons?

Hon. Mr. Davis: In that the members opposite certainly don't want to be involved in anything that is wasteful, I certainly would be prepared to consider sending each member six buttons on the very clear understanding that the members wear them. I think that's important. There's no point putting them in their top desk drawers. If they want six buttons I expect to see the Liberal caucus of this province following the great leadership of the Minister of Agriculture and Food and start wearing buttons. I think that would be a great step forward.

TRAINING SCHOOL DEATH

Mr. McClellan: Mr. Speaker, are we through with buttons? I have a question of the Minister of Community and Social Services.

In November 1976 the ministry gave the House a full report on the death of Norma Dean on two days' notice. In view of the fact that on Tuesday my colleague from Port Arthur requested a similar report of the death of Robert Shepherd, for which we have been waiting rather patiently, I want to ask the minister when he intends to make a statement in the House regarding the circumstances surrounding the death of Robert Shepherd, which would include a history of the boy's involvement with social service agencies prior to his death?

Hon. Mr. Norton: Mr. Speaker, the only concern that I would have, in terms of doing that immediately, would be the fact that we are still waiting for what I expect will be an early date for the inquest.

Mr. McClellan: It was to do with the Norma Dean case as well.

Hon. Mr. Norton: I will certainly seek advice as to what I might appropriately say at this point. Certainly I have no intention of holding back any information, except I do wish not to prejudice the coroner's inquest in any way.

Mr. McClellan: I understand that.

Hon. Mr. Norton: I will take that under advisement and see what I might appropriately say within the next few days in the House.

Mr. McClellan: Supplementary: While the minister is doing that, may I ask him whether he has seen the article in yesterday's Star which alleges that staff at Hillcrest were teasing? May I ask the minister what action he has taken to investigate those serious charges and what findings he has made?

Hon. Mr. Norton: Mr. Speaker, I have done two things. I have first requested that my senior staff in that division of my ministry follow up as much as it can in the investigation of the allegations of the former ward. Secondly, we have referred that information, which we have not received ourselves first-hand, specifically to the coroner and asked that he take those allegations into consideration in the conduct of the inquest. It seems to me that that is a very appropriate way to ensure that there is an objective and external evaluation of those allegations as well.

Mr. McClellan: Leaving aside the question of the contribution of these incidents to the boy's death, would the minister not want to investigate whether that kind of teasing has taken place to satisfy himself? Having done that, would he report that to this House?

Hon. Mr. Norton: Yes, that's precisely what the senior staff in the ministry is doing.

Mr. Foulds: Final supplementary: Could the minister also indicate to the House why Sprucedale, which I believe was where the boy was located before he went to Hillcrest, decided that it was unable to give the boy the services that were necessary; why, in fact, that major move from Sprucedale to Hillcrest took place?

Hon. Mr. Norton: I'm sorry, I didn't catch the last part of the question.

Mr. Foulds: Why, in fact, what seems to have been a crucial move in the boy's

history between Sprucedale and Hillcrest took place? Why was he moved from one of the minister's institutions to the high-security institution?

Hon. Mr. Norton: My understanding at this point is that the move took place because of certain acting-out behaviour that the earlier facility felt it was unable to handle adequately. Also, I'm not sure that the transfer took place specifically on the recommendation of the psychiatric report, but there certainly is a psychiatric report that makes that recommendation.

STUDENT LETTERS

Mr. Sweeney: A new question to the first honest Minister of Colleges and Universities; and I'm glad there's at least one over there.

Mr. Foulds: What does that do with the others? I thought Jack McNie was pretty straight.

Mr. Sweeney: Mr. Speaker, I am obviously referring to the Tory student letter-writing campaign. In all seriousness, does the minister think it is appropriate or proper for a minister of the Crown, as is reported, to approve for a practice which is essentially a deception, the deception being that those who read those letters are going to assume they were written spontaneously?

[10:45]

Hon. Mr. Parrott: I would be surprised if I didn't get a question, what with the press of this morning. Before I answer that question directly, in a straightforward, honest way, let me have a preamble, if I may. I perhaps could have chosen other words as the description when that first went in there, particularly when I recognize that the great Premier (Mr. Davis) of this province was the first minister with that portfolio; however, I will take praise from wherever I can get it, provided it doesn't put me in a bad position with my Premier.

Having said that, let me assure members that I will not shrink for one moment from the support of the party. I get a little surprised to find members opposite a little upset if we play in the game of politics.

Mr. Sweeney: That is what it is.

Mr. Peterson: A careful answer, Harry.

Hon. Mr. Parrott: I am quite prepared to dig in on this one.

Hon. Mr. Davis: Members opposite should know that ministers are also politicians.

Mr. MacDonald: Did the Minister of Colleges and Universities listen to the Premier's last answer?

Interjections.

Mr. Speaker: Do you want an answer to the question?

Mr. S. Smith: No, not that kind.

Hon. Mr. Parrott: It is great fun when, on occasion, the member, who is critic of this ministry, has gone, prior to my visit to a campus, to raise some anger among the students, with his own supporters.

Mr. Nixon: Nonsense.

Hon. Mr. Davis: The member is embarrassed because he knows it is true.

Mr. Sweeney: It was because of the facts the minister wouldn't give them.

Hon. Mr. Davis: Listen, I had a report out of one university; I just didn't believe it.

Hon. Mr. Parrott: If the PC supporters on campus—and there are many—decide to write letters, either spontaneously or with prompting, I think that is a great move.

Mr. S. Smith: Come on, it is a plant.

Mr. Sweeney: First of all, the minister obviously doesn't agree that it is a deception.

The supplementary question: It is reported that the minister said of Mr. Angus: "His prompting was great. We let him go all the way." And then further that you didn't want to see the sample of the letter so it wouldn't appear to be phoney. Yet the minister is approving it and supporting it; so why did he have to come back two days later and retract the contents of the letter as being factually incorrect?

Hon. Mr. Parrott: Surely that should be fairly obvious. I said, when Mr. Angus presented the concept to me, "I think it is a great idea." And I shrink not one iota from that point, as I stated previously.

An hon. member: You can't.

Mr. Sweeney: That's sad.

Hon. Mr. Parrott: I think that this party, at party headquarters, should be active in the support of this side of the House; and we should recognize that, as the member's party should be supportive of him. That is the way the game is played, and the member knows that.

Mr. S. Smith: We get real letters. We don't have to plant them.

Mr. Sweeney: You don't even know what you are approving.

An hon. member: You don't know what the letter said.

Hon. Mr. Parrott: Having said that, I wanted no part of a phoney letter that I myself had written, that I myself would receive.

Mr. Bolan: Why didn't the minister read it first?

Mr. Sweeney: How could the minister approve it when he didn't see what was in it?

Hon. Mr. Parrott: That would be an area of stupidity that I didn't want any part of.

If Mr. Angus, in his role as a member of party headquarters, can get a campaign going, the same as OFS might have a campaign going to the Premier in opposition to fee increases, it is exactly the same game. The parties opposite both play the game; and when we play it, I think, as I said before, it is good news and there is no deception.

Mr. Foulds: Supplementary: Is the present minister, while now willing to uphold the reputation of the Premier in his role of Minister of Colleges and Universities, willing to uphold the reputations of John White and Jack McNie, whom I for one had always thought were pretty straightforward, honest ministers?

Secondly, did I hear the present minister correctly when he said at the beginning of his answer, "I could have chosen different words"?

Mr. Haggerty: Right.

Mr. Foulds: Did he, therefore, have a more direct supervision of that letter than he has led the House to believe so far?

Hon. Mr. Parrott: No. I feel very honored that I should join the predecessors who have served in the Ministry of Colleges and Universities, all of them with distinction.

Mr. Roy: Oh, you are backing off now—you are skating.

Hon. Mr. Parrott: I resent rather markedly that the word "deception" crept into this conversation. It has been used three times by the member for Kitchener-Wilmot.

Mr. Sweeney: That is what it is.

Mr. Roy: It is a deception.

Hon. Mr. Parrott: It is a very sad day when he would use that word in this House describing the actions of any minister of the Crown.

Mr. S. Smith: Phoney as a three-dollar bill.

Hon. Mr. Rhodes: You have got them chirping, Harry; hang in there.

Hon. Mr. Parrott: I said in reply to the member for Port Arthur that I would have used different phrases. I certainly don't think that I am the first.

Mr. Deans: I don't know about that.

Hon. Mr. Parrott: Not at all. I am sure that all of my predecessors were both honest and straightforward. I think it only proves one thing, that the person who proposed it

did so of his own initiative; and that is the way it should have been.

Mr. Breithaupt: Supplementary, Mr. Speaker: Is the minister telling us that he is no more honest than his predecessors?

Mr. Deans: I wouldn't get into that if I were you.

Mr. Roy: Honest is honest.

Hon. Mr. Parrott: I think we should get back treating this matter the way that it deserves, and that is with a little lightheartedness. I suspect if you put us on a scale from 1 to 100 I would not want to rank myself along with my great predecessors; they are far more honest, far more straightforward, than I am.

CONDOMINIUM LEGISLATION; GARFELLA INVESTMENTS

Mr. Philip: A new question of the Minister of Consumer and Commercial Relations: In light of the welcome statement by the Attorney General (Mr. McMurtry) yesterday concerning the suggestion by officers of the Ministry of Consumer and Commercial Relations, the Ministry of Housing and the Ministry of the Attorney General, that the Condominium Act be amended to ensure that sales such as those offered by Garfella Investments are made in accordance with the Act, can the minister tell us if he is following the suggestion? If so, when can we expect the legislation; and will that legislation be retroactive so as to cover Garfella Investments' sale of shares at 10 Garfella Drive?

Hon. Mr. Grossman: We will be following up on that suggestion. We were aware of it and had had discussions. I understand the situation not only requires amendments to the Condominium Act, which already are in draft form—in other words, we know what they would be—but also requires some amendments to the Planning Act. In view of that complication, our ministry will be working over the next few months with the Ministry of Housing and the Ministry of the Attorney General to develop a series of amendments to the various Acts which will close off the loophole. We should have that, I would hope, in the spring session.

Mr. Philip: Supplementary then, Mr. Speaker: Can the minister answer the second part of my question, which is will the legislation, when it is being brought in, be retroactive so as to cover the present sale of 147 units, or shares or whatever they call them, at 10 Garfella Drive?

While the minister is answering that, can he inform the House of what action he has

taken with the same company regarding the concerns of the Federation of Ontario Condominium Associations. This group met with him 11 days ago and requested that he investigate the possibility of misleading advertising by that company in its blurb, which compares the price of condominium units in the area with what it is offering, namely an undivided percentage interest in the whole of the ownership of the property.

Hon. Mr. Grossman: Mr. Speaker, to that supplementary and then the new question: The answer is I would expect at this time we wouldn't be into retroactive legislation in this field, or very many other fields, but I must be careful to leave that option open to myself. To be fair and so that no one would be under any misapprehension, I would think not at this time.

Mr. Lawlor: That's right, keep the threat.

Hon. Mr. Grossman: On the new question, with regard to misleading advertising, as I indicated at that meeting—at which the member was in attendance—we would be looking into misleading advertising. They have been very clever. At the present time we haven't been able to say that the advertising has been so misleading that we can take any further action, although it is under continued scrutiny.

HOME RENEWAL PROGRAM

Mr. G. Taylor: I have a question of the Minister of Housing. Many of the municipalities in my riding have asked when the final grants will be forthcoming under the home renewal program, and I now ask the Minister of Housing when they will be forthcoming?

Hon. Mr. Rhodes: Mr. Speaker, as the first honest Housing Minister since Don Irvine—

Mr. Warner: And probably the last one.

Mr. Samis: What a comparison.

Hon. Mr. Rhodes: Mr. Speaker, as I've mentioned in this House previously, the funds under the Ontario Home Renewal Program have all been allocated. I fully recognize there are a number of municipalities in need of more funding and I've had numerous requests from municipalities and from hon. members from all sides of the House.

I have no more funds in that particular program. I have calculated, in the ministry, a need for approximately \$3 million more to meet what I feel would be the requirements between now and the end of the fiscal year. A presentation to Management Board is now being prepared for those extra funds in order to meet the requirements as we calculate

they will be for the balance of this year, and hopefully we can meet the requests of the municipalities.

I should point out, though, for the benefit of the hon. members, that I think there has been some confusion in the minds of municipal officials, and I'm not about to say that some of that was not created by the ministry's communications with those municipalities, it may very well be. I think many municipal officials felt that when they saw the end figure of what it was being proposed they would be eligible for, they felt that money was immediately forthcoming. I would suggest to hon. members who have some concerns in this area and have been approached, that if they would look at the copy of the letter that was sent to the various municipalities they will see that the approval for their application was in principle.

Further on in the letter I drew to their attention that I was working on a maximum amount of \$20 million in the program, \$2 million of which was to be allocated for rental, and \$18 million for the home renewal program. We emphasized the "in principle" fact and requested them to make sure that they only committed that amount of money which had been advanced to them.

However, we'll make a real sincere effort to get that extra money, because I'm convinced that is an excellent program that deserves our support.

BRADLEY-GEORGETOWN HYDRO CORRIDOR

Mr. Reed: Mr. Speaker, I have a question for the honest Minister of Energy—

Mr. Eakins: Honest Jim.

Mr. Foulds: Poor, stupid; but honest.

Mr. Roy: You're an ignoramus, he said.

Mr. Reed: That electrifies the House. Say that with a straight face.

Mr. Reed: Is the minister satisfied that the convergence of seven sets of power lines—five being 400 kilovolts and two being 230 kilovolts—at Milton, does not represent a vulnerability that will detract from, rather than enhance, the security of Hydro's distribution system?

Hon. J. A. Taylor: Mr. Speaker I wish to commend the member for his honest and straightforward question, especially the prefix. That question relates to the question he asked yesterday in connection with the five transmission lines that he mentioned. I think he is in error. As I indicated, I took that question as notice, as I will this—

Mr. Roy: Get some papers for us.

Hon. J. A. Taylor: —and include it in the answer I will give him next week.

Hon. Mr. Rhodes: He's not wrong, Harold Greer is.

Mr. Reed: Supplementary: The minister is questioning the plan for five transmission lines in that corridor and, of course, we will have the answer next week, and we wait for it with bated breath.

Mr. Speaker: Do you have a question?

Mr. Reed: Yes.

Hon. Mr. Rhodes: Are you having trouble with Greer's handwriting?

Mr. Reed: I have enough difficulty with my own.

Mr. Foulds: Obviously.

Hon. Mr. Grossman: Stick to your own.

Mr. Reed: I wonder if the minister has not examined—he obviously has not, if he's not sure how many lines are running north and south—or if he would examine the consequences of the severing of either the north-south lines or the east-west lines?

Hon. J. A. Taylor: Mr. Speaker, I will include those concerns in my response to the question that was asked yesterday, and with the added item today.

[11:00]

ACTIVITIES OF OPP

Mr. Foulds: I have a question of the Solicitor General in relation to the reply he gave me to my inquiry on the order paper with regard to surveillance by OPP security officers of the October 14 demonstrations. First, I'd like to know who was responsible for assigning the three security branch members for surveillance on that occasion; why they were assigned; and if, as the minister indicated in his printed answer, the surveillance activities were directed to those who may breach the peace, why it was considered that uniformed policemen, municipal policemen, were insufficient for that particular purpose?

Why was it that Thunder Bay was singled out as being a place where it was necessary to have one of these undercover agents when there were demonstrations all over the province?

Hon. Mr. MacBeth: Mr. Speaker, there are a series of questions in that and I'll take them as notice. I certainly don't have the answers to some of them, although I could speculate on the answers to others.

Mr. Roy: No, you don't want to do that. Speculate, that's what they all do over there.

UNIVERSITIES POLICY

Mr. Bradley: I have a question of the Minister of Colleges and Universities: In light of concerns being expressed privately and publicly by university officials about the possible closing of certain of the smaller universities, or major reductions in the number of departments in universities, such as, for example Brock, would the minister assure the House that the government is committed to the continued operation of these educational institutions well into the future, and in a manner which will allow a complete program to be offered?

Hon. Mr. Parrott: There's absolutely no doubt in my mind that the answer is a clear, positive yes.

Mr. B. Newman: That's not what the Minister of Health (Mr. Timbrell) said.

Mr. Bradley: Supplementary question, Mr. Speaker: Is the minister aware that some of the officials of the smaller universities are concerned that their role will be diminished by the potential growth of large universities, such as the University of Toronto, and that they have been informed that some in the government would not be unhappy about the complete elimination of certain of the smaller universities?

Hon. Mr. Parrott: I can't address myself to all the rumours that might flow on that particular subject, but I reflect back, and it's not that many years ago, although I guess some might think so, to when I was attending university. At that time the University of Western Ontario was smaller than any of our universities today.

Mr. Roy: Were you part of the Conservative Club there?

Hon. Mr. Parrott: That's a matter of 30 years ago. When I see the products, for instance of the University of Western Ontario from the era of 1943-45, knowing that it had a size of approximately 2,500 students, and see what those students have done today, I'm unconditionally convinced there is a great role for the small institution.

There's a different formula, if you will, for the educational process—not for funding, but for the process; there are different rules, different ways, that I think lead to a good educational experience there; and there's a different method, formula if you will, in the large institutions. It would be a sad day if we put a size limit on all universities and had them all follow the same pattern. I think there's a great need in this province to have large and small universities serving slightly different methods of operation but

all doing a fine job, which I think they're doing today and will continue to do.

Mr. B. Newman: Have you talked to your Minister of Health lately?

NON-RETURNABLE CONTAINERS

Ms. Bryden: I have a question of the Minister of the Environment: Now that the government has buried the ill-conceived can tax idea, when is the government going to bring in the regulations providing for a five-year phase-out program for non-returnable beverage containers, which was supposed to be in place by July 1, 1977, under the terms of the 1976 legislation on this subject?

Hon. Mr. Davis: About the same time as we get your policy commitment to ban the can entirely.

Hon. Mr. Kerr: That's right, Mr. Speaker.

Mr. Deans: While we are talking about policy commitments, there are some others we would like to talk about.

Hon. Mr. Kerr: The hon. member used the phrase "ill-conceived can tax."

Mr. Foulds: How is Frank's two-for-one tree planting coming along?

Hon. Mr. Davis: Oh, it's doing very well.

Mr. Riddell: I want to hear the answer.

Hon. Mr. Kerr: I'm not sure about the member, but certainly four of her predecessors are on the record as being in favour of a can tax. I'm not exactly sure where NDP members of this House stand on this particular policy, but certainly there is the greatest flip-flop in the history of conservation.

Hon. Mr. Davis: The hon. member should be embarrassed to raise it.

Mr. Deans: Who?

Hon. Mr. Davis: Not you.

Hon. Mr. Kerr: As far as the phase-out is concerned, Mr. Speaker, I'd like to know how you phase out anything unless you either tax it, or in this case put a deposit on that container. Otherwise, there is no possibility of phasing it out. There are three ways you can do it. You ban it, you put a deposit on it or you tax it. You're against taxing, you're against the ban, and I understand, you're against the deposit; so the member should answer her own question.

Mr. Riddell: You're entirely right, George. It's hard to know what they stand for.

Hon. Mr. Davis: Of course, you people shifted a bit on that issue, too.

Mr. Roy: We are steady.

Hon. Mr. Davis: Oh no. Robert was going to ban the can.

Mr. Peterson: We were going to ban you.

Hon. Mr. Davis: You can't do that.

Ms. Bryden: Mr. Speaker, I can't understand how the minister can have any doubts as to where the New Democratic Party stands on this issue.

Hon. Mr. Grossman: Tell us all three positions; tell us every one of them.

Ms. Bryden: We voted against the can tax on the first reading when it was introduced.

Hon. Mr. Kerr: I know, but before that? Answer to the record for the past five or six years.

Ms. Bryden: We voted against the can tax then but what happens in the House is the important thing.

Mr. di Santo: You withdrew it, shame.

Ms. Bryden: Mr. Speaker, there are other options to a tax or a deposit.

Mr. Speaker: I have yet to hear a question.

Ms. Bryden: I would like to ask the minister has he considered the option of sitting down with the industry, with workers in the industry and with environmental groups, and working out a four-year plan for phasing out non-returnable containers, with targets for each year and employment provision made for looking after people who will be displaced?

Hon. Mr. Davis: Your Hamilton members are getting nervous.

Hon. Mr. Kerr: Mr. Speaker, the hon. member is getting deeper and deeper into her own morass here. She still hasn't answered the question of how you phase something out unless you do something about it.

Mr. Germa: The question is from this side of the House, the answer is supposed to come from that side.

Hon. Mr. Davis: You can't have it both ways, you're making Patrick squirm.

Hon. Mr. Kerr: The answer to that question, as far as we're concerned, is to start with the tax. There were 800 million cans of pop sold in this province in 1976.

Mr. Deans: And they produced a lot of work.

Hon. Mr. Kerr: Putting a tax on would reduce volume at least 20 per cent in the first year. The percentage drop may even increase in each succeeding year, so that, as you say, in four or five years it would be phased out; and then you could bring in the ban, because the amount of the market served through the can would be substantially reduced so that there wouldn't be the

disruption at the end of four or five years in the event of bringing in a ban.

Mr. Lawlor: It is going down now.

Hon. Mr. Kerr: I have attempted to work with the hon. member, and I have attempted to work with the representatives of the Liberal Party in coming to some sort of a program.

Mr. Deans: But your policies are unworkable.

Mr. Reed: We are the only people with good ideas.

Hon. Mr. Kerr: I have indicated why I am against a deposit at this time and why I'm in favour of a tax. So if the hon. member is sincere about the question she has asked this morning, she would have agreed to a tax on cans.

Mr. Foulds: No.

Mr. Speaker: The hon. member for Huron-Bruce.

Mr. Gaunt: I have a supplementary, Mr. Speaker. I'm wondering if the minister has met with the industry to try and achieve a voluntary cut-back with respect to the use of non-returnable containers; and if so what were the results of that meeting?

Hon. Mr. Kerr: Yes, Mr. Speaker, we've met with the industry. The proposal, as the hon. member knows, was that the industry would voluntarily reduce the use or sale, distribution and manufacturing, of the non-returnable container to 40 per cent next April, and down to 30 per cent in April of 1979. We're not happy, frankly, with that timetable, or with those percentages.

Mr. Deans: It isn't good enough, but it's a good starting point.

Mr. Peterson: What are you going to do about it?

Hon. Mr. Kerr: There is also a question regarding the continuation of the ban on the non-returnable bottle. Whether or not they would agree to that voluntary program as well as the ban on the bottle, which is to become effective next April, remains to be seen. These are the points that we're still discussing in the industry.

I am optimistic frankly that they will agree to our scheduling; and that is about 70-30 next April and possibly 80-20 in 1979.

This is the type of thing we are negotiating at the present time, but the hon. member for Wentworth won't let me get it through.

Mr. Deans: That's right, the minister is absolutely right; no way. Bring in a recycling program.

Mr. Speaker: The hon. member for Wentworth doesn't have the floor. I haven't recognized him.

Mr. Bounsall: Do I take it from the minister's reply that he is not considering, as one of his options, the institution of uni-metal cans, up to a fairly reasonable size for all metal containers, with the subsequent reclamation, recycling and reissue of those cans, as the most reasonable way of meeting this problem?

Hon. Mr. Kerr: That is something we have also discussed—the fact that the tops on cans, I believe, are aluminum and the cans themselves are steel. This does affect a really effective reclamation program and recycling program.

One of the problems of course is apparently the aluminum can is easier to open, particularly with the new top they have, rather than a steel top. But that is certainly part of our ongoing discussions with the industry.

Mr. Speaker: The time for oral questions has expired.

REPORTS

SELECT COMMITTEE ON INCO LAYOFFS

Mr. Handleman from the select committee on Inco layoffs presented the committee's report which was read as follows:

By a motion of this House on November 14, 1977, the select committee was constituted to make certain inquiries pertaining to Inco Limited. On-site inspections at Sudbury and Port Colborne have already been completed but no hearings have yet been conducted.

A joint request in writing was received by the committee yesterday afternoon from Inco Limited and the United Steelworkers of America, [Sessional Paper No. 146] which is an appendix to this report and which request is self-explanatory. As a result of this letter, the committee unanimously decided to adjourn until December 14, 1977, or earlier if called by the chairman, to accede to the joint request of Inco Limited and the United Steelworkers of America.

STANDING ADMINISTRATION OF JUSTICE COMMITTEE

Mr. Philip from the standing administration of justice committee presented the committee's report which was read as follows and adopted.

Your committee begs to report the following bills with certain amendments:

Bill Pr5, An Act respecting the Village of Port McNicoll.

Bill Pr14, An Act respecting the City of Ottawa.

Your committee further recommends the following bill be not reported:

Bill Pr15, An Act respecting the City of Ottawa.

MOTION

SELECT COMMITTEE ON THE FOURTH AND FIFTH REPORTS OF THE ONTARIO COMMISSION ON THE LEGISLATURE

Hon. Mr. MacBeth moved that the final report of the Select Committee on the Fourth and Fifth Reports of the Ontario Commission on the Legislature which was presented to the 30th Parliament on March 29, 1977, be considered by the House on the evening of Thursday, December 1.

Motion agreed to.

[11:15]

INTRODUCTION OF BILLS

OXFORD MUNICIPAL HYDRO- ELECTRIC SERVICE ACT

Hon. J. A. Taylor moved first reading of Bill 111, An Act to provide for Municipal Hydro-Electric Service in the County of Oxford.

Motion agreed to

Hon. J. A. Taylor: This bill establishes a new municipal electric power supply commission for each of the eight area municipalities in the county of Oxford. Thirteen existing commissions are dissolved. This legislation has been reviewed by the provincial steering committee, Ontario Hydro, TEIGA, and the Ministry of Energy in consultation with the local study team, the Ontario Municipal Electrical Association, and the provincial-municipal liaison committee.

The provisions of the bill have been in general agreed upon by these groups. The low population density and growth rate in Oxford was a dominant factor in the formulation of this bill. For this reason, customers within the five townships presently served by Ontario Hydro will continue to be served by Ontario Hydro.

Commencing January 1, 1978, customers within Tillsonburg, presently served by Ontario Hydro, will be supplied with power by the new Tillsonburg commission.

On behalf of the government, I wish to commend the Oxford local study team, the steering committee, their staff, and Ontario Hydro for their efforts.

ANSWERS TO WRITTEN QUESTION

Hon. Mr. MacBeth: Mr. Speaker, I wonder if just before the orders of the day I could table a response on question 45 standing on the notice paper. (See appendix page 2297.)

ORDERS OF THE DAY

TOWNSHIP OF DOVER ACT

Mr. McGuigan moved second reading of Bill Pr2, an Act respecting the Township of Dover.

Motion agreed to.

Third reading also agreed to on motion.

CITY OF HAMILTON ACT

Mr. Deans moved second reading of Bill Pr28, An Act respecting the City of Hamilton.

Motion agreed to.

Third reading also agreed to on motion.

CITY OF CHATHAM ACT

Mr. McGuigan moved second reading of Bill Pr30, An Act respecting the City of Chatham.

Motion agreed to.

Third reading also agreed to on motion.

House in committee of supply.

ESTIMATES, MINISTRY OF THE ATTORNEY GENERAL

(continued)

Mr. Chairman: We will now resume consideration of the estimates of the Ministry of the Attorney General.

On vote 1306, courts administration program; item 1, program administration:

Mr. Roy: I think we were discussing vote 1306-2 and I would beg the indulgence of the Chair to consider this to be a point of privilege.

Mr. Chairman: I would just remind the member, I think we're on item 1. It hadn't carried.

Mr. Roy: Item 1 was carried.

Mr. Chairman: No, it was not carried.

Mr. Roy: Whether it was or not, I knew that we were on vote 1306. Whether we carried item 1 or not, I would like to correct the record pertaining to earlier discussions that took place on these estimates back on November 21, 1977.

My colleague the member for Brant-Oxford-Norfolk (Mr. Nixon) made certain comments at that time regarding the role played in the Legal Aid Plan by the legal profession in this province. Afterwards the Attorney Gen-

eral commented—I have here the Instant Hansard. I am looking at the transcript dating back to the afternoon of November 21, 1977, and I'm reading from page 1530-2, where the Attorney General said: "Yes, I must admit that I'm rather curious as to where the official opposition stands on the issue of Legal Aid in relation to the administration of the plan, because I have urged the member for Ottawa East, my good friend and Justice critic"—Here there were some interjections—"and the member for York Centre [Mr. Stong] to get them together just to see where they stand on the issue because it would be helpful if they would consult with one another on occasion."

I would like to correct the record, or the impression the Attorney General might have, or that he might have left with the House. I have discussed the position of our party with the Attorney General and I take it that what he was referring to at that time was our position vis-à-vis Legal Aid, whether it should be taken over by a government agency or government apparatus or whether it should stay within the realm, jurisdiction and control of the Law Society of Upper Canada.

The record should be cleared on that. I would like to make it as clear as possible that the official position of the official opposition is in favour of keeping the Legal Aid system exactly where it is. I don't want to go into all the details. I don't want to abuse your graciousness in allowing me to correct the record on this, but that is our position and that position will continue until we decide otherwise in caucus. That is the position of our party.

This doesn't stop certain members from having personal views which may be otherwise. I understand, for instance, that the NDP critic has a particular view with which certain members of his caucus are not in agreement. The Attorney General, I'm sure, has members within his caucus who do not agree with his view. But the view of this party as a whole, and our policy of a Liberal government in this province, would be to keep it where it is.

Hon. Mr. Kerr: Can't wait.

Mr. Roy: It can't wait? Well, George, you've had a good day. Don't start getting into this one. You might lose some points here.

I would like to make that position very clear so that the Attorney General would know what the position of the official opposition is.

The other matter I would like to clarify is that members on this side should be allowed to express personal views vis-à-vis Legal Aid and the legal profession without it necessarily meaning that it is the position of the party. I think we should make that very clear. Similarly the Attorney General may well have people within his own caucus who have views which are not exactly in line with his. Certainly members are entitled to their views on various factors within the administration of justice.

Coming back to vote 1306, I would like to ask the Attorney General a question. I understand that Mr. Graham Scott from his ministry had occasion to meet again with the Carleton County Law Association about the question of the courthouse in Ottawa. I am not sure if the meeting was yesterday. Because of the great concern of the Ottawa area about the present court facilities, I would like the Attorney General to report to the members of the House what has taken place. Has any agreement been arrived at, pertaining to this meeting with the Carleton County Law Association?

I would also like the Attorney General to confirm or deny whether his view coincides with the view of the member for Ottawa South, who met with the Carleton County Law Association. In his summary fashion, which that minister is sometimes famous for, the Hon. Mr. Bennett told the Carleton County Law Association that they had better not expect a new courthouse in that area for at least, to use his words, "another five years." The comments made by the member for Ottawa South to the Carleton County Law Association were not ones to encourage them to look in that direction. In fact, they were more or less summarily dismissed by that minister saying that certainly there were other things in this province which had much higher priority than a courthouse for that area.

I would like the Attorney General to tell us about Mr. Scott's meeting yesterday and to confirm whether it is in fact his position as well, that in the scheme of things there are more important things for the Ottawa area, or for the province for that matter, than that courthouse.

Hon. Mr. McMurtry: In relation to the position of the official opposition with respect to the administration of the Legal Aid Plan, I am of course most interested, particularly in a minority government situation.

As for the views of the member for Ottawa East's associate the member for York Centre, I think I had very good reason to wonder what the position of the official opposition was. As the member for Ottawa East

well knows, the member for York Centre expressed his view in relation to Legal Aid during the 10th anniversary seminar at which he appeared on a panel, and certainly created the impression with everyone who heard him that as a member of the Liberal Party and as a lawyer he was speaking for his party.

I am not suggesting he used those words, but according to the report I had, he certainly created the impression with everyone who heard him that the official position of the Liberal Party was to adopt the Osler recommendation that the administration of the plan be turned over to a corporation.

I assume, therefore, that this matter has been discussed by the Justice critic of the Liberal Party and his colleague and that his caucus has arrived at an official position in respect to this. I assume that is what you are saying here today.

Mr. Roy: It has always been our position. I have told you this before and now I just want to put it on record.

[11:30]

Hon. Mr. McMurtry: I find it very curious that if that has always been the position of the Liberal Party, now the official opposition, one of the lawyer members from that party would take part in an important seminar associated with the 10th anniversary of the Ontario Legal Aid plan and state a position that was contrary to the position of his party.

I appreciate that our noble profession is one that is known for its independence. It may be the member for Lakeshore has struck a position independent of his party. Certainly that should entitle the member for York Centre to also strike a position independent from the official position of his party. I just hope that at the earliest opportunity the member for Ottawa East will advise him as to what the official position of the party is.

I suppose I should congratulate the member for York Centre on his independent state of mind, in not accepting the position of his party in relation to the administration of the Legal Aid Plan.

Mr. Roy: That happens on your side, soo.

Hon. Mr. McMurtry: Maybe, because of his fierce independence and his overall intelligence, he will find that he has to take so many positions independent from those of his party that he might feel more comfortable on this side of the House.

Mr. Bradley: Never.

Mr. Cureatz: A lot can happen.

Hon. Mr. McMurtry: Obviously, for the member for York Centre there is a light at the end of the tunnel. I would be the last one to attempt to dampen that flickering flame, feeble though it may be.

In any event, with respect to the Ottawa courthouse, Mr. Scott, the director of courts administration, did not meet with representatives of the Ottawa bar yesterday. It is quite correct that the member for Ottawa South, one of my colleagues on the executive council, has met with the representatives of the bar association in Ottawa. My advice is that they will be having a further meeting in relation to the Ottawa court facilities. I am so advised by my director of courts administration; it's his understanding that the member for Ottawa South and the bar association will be meeting again in the very near future.

In the meantime, the director of courts administration will be in Ottawa at the beginning of the week, meeting with Mr. Belanger, president of the local bar association, in respect to other matters of interest to the Ottawa Bar Association and he will certainly afford himself the opportunity of pursuing the matter of the courthouse.

In relation to any statements attributed to the member for Ottawa South with respect to the fact that the government has much higher priorities in relation to capital expenditure, I understand that the member for Ottawa South and the member for Ottawa East appeared on some radio program this morning. I did not have the benefit of hearing that program, which I gather was broadcast only in the Ottawa area.

Certainly it is not a question of the government's having much higher priorities, it's a question of having a very limited capital budget in the interest of government restraint. The position of the Attorney General of this province is that the court facilities in Ottawa should be regarded by my government as a matter of urgent priority, of the highest priority. I can't now think of any other major capital projects that are proceeding at the present time, that weren't already under way for some time, in advance of the Ottawa courthouse. I want to make it absolutely clear that I regard this matter as very urgent. The member for Ottawa South also regards the matter as one of extreme importance.

What we're concerned about now is the issue of providing adequate facilities in rented accommodation for the provincial courts. I think the proposal to provide such

facilities for the provincial courts is a reasonable one.

As the Attorney General I would be delighted if the government could see its way clear to embarking on a fairly significant capital expenditure and building a courthouse. But knowing the constraints that other ministries are operating under, and knowing our constraint program is very much in the public interest, I can understand and appreciate and support the views of my colleagues. But in the meantime I would hope that there would be some meeting of the minds between the members, the practitioners in the Ottawa area and our ministry and the Ministry of Government Services, as to where we might provide these provincial court facilities, because they are needed.

I think it really is in the public interest to proceed with these court facilities, rather than encourage the bar association to hold out, as it were, until the government gives a definite time commitment with respect to providing a courthouse where all the facilities may be centralized.

I can appreciate the frustration of the Ottawa practitioners in this matter. If I were practising down there I'm sure I would probably be very militant myself in this issue. I'm not quarrelling with our colleagues for adopting this attitude. But I think it's important, notwithstanding their frustration with the government's capital budget, to recognize that it is very much in the public interest to provide these provincial courtrooms, which will be quite adequate and will be able to serve the administration of justice in a very important field.

As the member for Ottawa East fully appreciates, provincial courts deal with about 98 per cent of the criminal and quasi-criminal matters that are dealt with in Ottawa or anywhere else. The fact that we're prepared to provide adequate facilities at this level of the court is in the public interest and it's certainly in the public interest to proceed with those facilities as expeditiously as possible.

I would just express the hope that my colleagues in the Ottawa area would appreciate the importance of this in the overall public interest and would proceed accordingly.

Mr. Roy: If I could make a quick comment, Mr. Chairman. First of all, sure it's a matter of public interest and the bar has certainly been co-operative. They've been co-operative in other areas in establishing new programs like the pro forma, and the defence

bar has been prepared to co-operate on a number of programs to facilitate, to enhance, to make the system more efficient. That's not the point.

Their frustration is based on the fact that they were promised something now for about 10 years. They never got it. The last time they accepted so-called temporary facilities they got them for 10 years and they were totally inadequate. Then they meet with the ministry and the ministry says, "The best we can do for you is rent out on the outskirts of the city." You can understand their being somewhat hostile under those circumstances.

I certainly don't blame the bar association nor the citizens of Ottawa for taking every means possible to bring this matter to public attention. In fact that's been one of the problems. This government has understood in the realm of priorities that when there's a lot of public pressure they always do react. Unfortunately, there's not been sufficient public pressure on the administration of justice. This is why successive Attorneys General—and I'm excluding you, but a whole series of your predecessors—were not really giving justice. They were just caretakers more or less, just letting the system proceed along. Of course, you're left with the mess and you need money and you don't have it. You've only got a certain percentage of the budget, and it has been going down since you have been there.

I think our efforts are starting to work now in Ottawa. We're starting to get the public interested. I noticed this not only in Ottawa; I've got files here from when we were talking about Windsor and Toronto. I was listening to some counsel on the Gzowski show last night, about the system here in Toronto.

But I want to ask the Attorney General if the bar association goes along with you to rent provincial court facilities in an area which is suitable for that purpose within the downtown core—and there have been various proposals put to you; some people are even prepared to construct a building near the present courthouse and then rent space to the Attorney General to have court facilities; this may be one of the alternatives—but would you at least be prepared, if you're not prepared to spend any moneys for capital works, to spend some money to spruce up the old courthouse we have now? There are many rooms and courtrooms and offices in that place which require the expenditure of sums to make them adequate and to get full use out of that building. Would the Attorney General's department be prepared to do that? I

think that the bar association would be prepared to co-operate if they thought that the present dilapidated facilities would get some funds to spruce it up a little bit.

Hon. Mr. McMurtry: I think I can adequately reply to that suggestion, Mr. Chairman, by saying that Mr. Scott will be in Ottawa on Monday or Tuesday and I will have him visit the courthouse again to look at what might be done. It's been some time, I must admit, since I've visited the courthouse, but he will visit the courthouse next week with a view to seeing what might be done.

Mr. Roy: Aren't you supposed to go down there on December 13?

Hon. Mr. McMurtry: I may very well be going down there before Christmas.

Mr. Roy: I have been invited to a meeting.

Hon. Mr. McMurtry: I don't look too far ahead in my diary, otherwise I don't sleep as well. I think you're quite right. I probably will be in Ottawa within the next two or three weeks and I will personally undertake to make my own visit to the courthouse at that time. If the member for Ottawa East is in town on that occasion, I would be delighted to have his company.

Mr. Roy: The only other place I can be is here.

Mr. Lawlor: Mr. Chairman, I have a couple of matters preliminary to what I have to say in substance. First of all, I'd like to thank the Deputy Attorney General for the text on Dworkin. Those things are much appreciated. I'm glad he thinks of me sometimes.

The second thing I would like to say is to apologize to this House for the spate of ill-considered remarks made, as far as I'm concerned, the other day. It does not mean that on one side pomposity will not remain or that nincompoopery will disappear, I can assure you of that. But the hon. member and myself are speaking—just barely—and I just thought I would mention these things in the temper of the moment. The only excuse I can give—and excuses are never important in this life—is that for the past few weeks I have been under very considerable pressure.

[11:45]

In this vote, Mr. Chairman, I don't intend to handle each individual item. We're on item 1. What I have to say is about two separate matters tied in with one another.

I think the central issue in these estimates has to do with the administration of the courts in a general and overall way. Some of the courts are in a far worse condition than

others and the ministry has supplied to us—and quite thankfully—a breakdown. I'm not going into it right at the moment, but we shall make a review of this caseload situation.

Flowing out of the introductory remarks of a couple of weeks ago, I'd like to discuss the case flow management experience of the courts and the enormous backlogs in some of them. When you see figures in excess of a million cases pending—that's the whole works accumulating and not being severely cut into—and the Attorney Generalship apparently being hogtied and wrapped in winding sheets with respect to the operation of these courts, then the ministry has a whole series of nostrums which we can discuss at very great length. But it seems to me at this time that some form of surgery rather than the bandages, the anodynes or the injection of a little morphine will do very much for the thing.

I think you have to move in on a particular area. On the divorce area, I think you should perhaps set up arbitrations and remove that from the court. That may be one thing; and highway traffic accidents are another. I think the whole court system is moving towards arbitrations, anyhow, which is probably better, more informal, speedier, cheaper et cetera. It is a beneficial way of handling the operation of the courts. Or take more decisive action in the highway traffic cases. That's where the monumental accumulation is taking place. There is in excess of close to a million cases or 1.2 million, some fantastic figure which we will come to later on this morning or possibly on Monday. By the way, after I've finished the two points that I wish to make in an overall sense, as far as I'm concerned these estimates are over. There is so much we can do and so much we can't. There's another vote. I've got nothing that will be shattering or world catastrophic in that particular field.

The ministry has, on the central west experiment, pointed out what the objectives of that experiment were in its white paper on the subject. "The project management team concentrated on the following areas: Development of office standards for the provincial court, criminal division and family division." They apparently had no great difficulty in that area. "The general management of the court offices was by the management team," and apparently that was okay. "The development of effective techniques for allocating the work of court reporters in the preparation of transcripts; and (d) the development of statistical analyses methods and techniques."

That's going forward. It's a little out of date and not nearly quickly enough in order

to establish figures. I'd really love to see figures, either from this ministry or that of the Solicitor General (Mr. MacBeth) showing the number of cases laid, the number of individuals against whom they were laid and the number of convictions on specific counts registered. I think you will find that the convictions at the end of the day, and at the end of the process, are a very minor percentage of the magnitude of the charges originally laid. You may say that's highly beneficial in the sense that the system is sifting out and excluding the guiltless; on the other hand, I think it will prove the excrescence of original charges laid, I think that's what you'll come to.

I don't see statistics like that and apparently they are difficult to come by. If they could be provided, then I would ask that they be provided. Anyhow the statistical analysis is going forward. That's not your problem.

The fifth area was the development of the evaluative criteria standards related to court productivity. I think that is in the process and can be done. The experience of other even-more-loaded jurisdictions, particularly in the States, will stand to good stead. I am sure and I trust that you have sent down investigative teams, competent people from your department, to look into the operative procedures in possibly the California, and certainly the New York courts. The New York courts are in a dreadful state, so they must be plunging around in utter darkness trying to extricate themselves.

Finally, case flow management. Case flow management was the crunch. It was the barrier upon which your back was broken so you had to revise your whole scheme. I won't recapitulate the original remarks about how that had to be done and placed in the hands of the judicial council, but I do think what you say at point nine in your case load management should be in the record for the future, for people to refer to. I will just read that into the record:

"One of the most important initiatives taken by the project management team with the approval of the advisory committee was the development of a case flow management system in the provincial court criminal division in Halton county. Its objectives was to rearrange the work of the criminal courts to make maximum use of judicial and other resources and increase the convenience of the public.

"The proposal for a case flow management system involves the complete rescheduling of all the business of the criminal courts, the changing of the time of commencement of the

various courts, the reallocation of duties between provincial judges and justices of the peace, a change in the procedure of setting trial dates, a change in the take in procedure for scheduling first appearance of cases not previously dealt with . . ."

In that area, if I may pause for a moment, most of the courts that I know of in Metro are convening at a little earlier hour of the morning with respect to adjournment procedure, the setting up of separate adjournment courts for this specific purpose before us, the clearing out of the hallways and the overcrowding in the courtroom space itself in order to proceed with regular trials.

". . . a change in the number of location of various court sittings, the development of a new system for streaming certain types of cases into different courts"—that's part of that, too—"and the allocation of specific blocks of judicial time for the disposition of certain types of cases."

All to the good; all being ventured upon and done. But again apparently you are up against formidable backlogs and formidable obstacles. While you go on to the treadmill and run like blazes—you ran a little better than these fellows as a tennis player apparently, but as the Attorney General you are running like hell, but you don't seem to be getting very far, as far as these statistics indicate. It must be terribly disheartening, particularly later on in the morning, but what does it mean?

I agree with you that the whole solution by no means lies in there—the courtroom space or in the judges. It's the allocation of the present space and present judiciary that is critical to the issue. It requires an incisive moving in by you into some one or other designated area to take out or by surgery cut off that particular limb which is presently clogging the court channel and which is probably better located in some other mode of tribunal, or by some other way.

You have a wide discretion in this particular regard, and I think you are going to be driven, as the months go on—because you are not going to make major inroads into that court backlog, as I see things—you are going to be driven to adopting some alternative scheme completely in order to lift the burden from the regular courts and the judges of those courts.

That is the basic background as I see it. I have to concede that setting up of the judicial council and working in close conjunction with the office of courts administration, and having primary and immediate and direct control over that is good. However, you were driven

to that; that was the only feasible alternative you had.

I have severe doubts about the advisory committee to courts administration, its setup, its constitution, its effectiveness, its range of powers, its putative capabilities, all these things. I think it's probably a sponge more than a prickly pear. I suppose what you are really saying is that you need some quasi and relatively independent body out here to siphon off some of the gas that may arise between the offices of all these chief judges and associate judges and the administrators of the courts themselves, who are really the people in the middle of this whole thing. You are seeking to make them effective and I think you have to watch the situation with enormous delicacy and care, because you are still going to get very considerable chaffing at both ends.

These men in the judicial council are not trained administrators. That's admitted; they don't pretend to be. Nevertheless, they are going to have to have a very close and critical, incisive knowledge of court administration. How they are to acquire that puzzles me. They are going to be very dependent upon and rely—and this will run against the grain—on the court administrators as such, the qualified, so-called expert people.

At the other end, the rub will come with the judges. You may get some soothing and a rubbing of ointment into the wounds, because it would be their fellow judges who are doing it, although I think we will have to agree that those who call themselves the operative judges, the working bench judges, are going to acquire increasing resentments against this tribe of administrators over here, who would be better occupied sitting on the bench than in their offices looking over statistics and consulting with court administrators.

For you to do it yourself, or for your department to do it, would cause even greater aggravations. It has, and it has been proven. So just how that is all going to be worked out is a matter for the conjuring trick. Watch the rabbit come out of that particular hat. I think that's all I want to say on that aspect of courts administration this morning.

Mr. Stong: I do have some specific questions to ask on the issue. I understand we can address our remarks to the vote as a whole rather than on items, because there is a certain overlapping of some of the things I did want to ask the minister.

[12:00]

Mr. Chairman: First, we were trying to keep it to item 1. I realize it's difficult.

Mr. Lawlor: I have something on item 2; try to keep it on item 1.

Mr. Stong: First off, I would like to begin my remarks by indicating that I disassociate myself absolutely and completely with every phrase, word and sentence of the remarks made in this House on November 1 by the member for Brant-Oxford-Norfolk (Mr. Nixon) in relation to legal aid.

I also would like to make clear my position with respect to legal aid and a meeting that I attended as a representative of the Liberal Party in the summer during the election campaign. At that time I was introduced as the critic for Justice and I indicated at that meeting that I was not, that I was speaking as a member in a private capacity, and that I did agree with the Osler report and the administration of legal aid. It is not the policy of this party that the administration of legal aid be turned over to a private company. I want to make quite clear to the Attorney General that I was speaking in my capacity as a private member as opposed to voicing the policy of this party.

Mr. Chairman: Would the member return to vote 1306, please.

Mr. Stong: Yes, Mr. Chairman. With respect to program administration, although I still agree with the Osler report, I bow to the policy that we have formed here. We're talking not about the principle of legal aid, but the administration of the plan.

Mr. Roy: Cut him off.

Mr. Stong: With respect to the administration of our courts, I concur with the remarks made by the member for Lakeshore (Mr. Lawlor). It seems to me there are getting to be greater demands on judges' time. In the daily work routine of our court system, from provincial court right up on through to Supreme Court, judges are required to give written reasons or they seem to have it incumbent upon them to give very specific reasons for their judgements as based in law, which they must research. I think that's good. I think that's very good for our system and it's good for those who appear before them.

But insofar as judges are called upon daily in most matters—and there is no uncomplicated matter before our courts these days it would seem—and insofar as these requirements are being made of their time, it seems to me that we must study the allocation of judges and perhaps the allocation of a judge's time. No man or woman can sit on the bench for six hours of any day and listen steadily to evidence in an intelligent way, in a comprehending way, and be expected to come forth

with an intelligent decision; it's almost impossible.

It's tiring to listen to six hours of evidence a day and then be required subsequently to research the law, relate the law back to the facts and come up with a decision. It would seem to me we have to think in terms of remedying the backlog, by at this time perhaps not requiring more court space but more judges. The member for Lakeshore is right—we should consider the acquisition of more judges and allow those now on the bench that time required to write the decisions, to research the law and generally attend to their duties of adjudicating, without worrying about sitting for six hours a day or more in some cases. I've heard of judges staying there till 8 o'clock at night to get through a list. We have to overcome the backlog in that way, in my respectful submission.

Likewise, it seems to me there is room for the extending of jurisdiction to our provincial judges. Extending the jurisdiction, I think, is something that should be reviewed. Perhaps there are too many levels of trial. Perhaps the two lower levels should be combined. Perhaps our provincial judges should be given the jurisdiction to hear cases with juries as well, so that we can at least have the advantage of two levels of trial to help expedite matters. There are more cases heard on the lower level. It would seem to me that if we had the complement of the county court judge by virtue of the amalgamation of jurisdiction, in some way we could assist the situation. It is something, in my respectful submission, that ought to be studied.

Also, in as far as there are claims going through our civil courts in matters of restitution, it would seem to me that it would be good, and I asked the Attorney General earlier, to consider amending the provincial courts Act and the county courts Act so that there is absolutely no doubt that provincial judges and county court judges do have jurisdiction over property and civil rights, as could be granted in those Acts, to order restitution. Then there would be no hesitation and it would lay to rest forever the problem of infringement of jurisdiction in that area.

There are cases, but they are conflicting cases, throughout our jurisdiction on this issue. There are difficulties that arise and arguments that require court time, wasted time in my respectful submission. Judges should be allowed to make orders of restitution and no one should be allowed to waste court time arguing against the principle that a provincial judge be allowed to make an order of restitution because it is a matter of

property and civil rights and it is not within his competent jurisdiction to do so; likewise in county court, where these judges are appointed by the federal government. We should amend those Acts and lay that matter to rest completely, and forever.

I might as well, at this point, when we are talking about the administration of the program, ask the minister what is happening in the area of North York, with respect to the establishment of provincial courts. I stand to be corrected on this, but I understand the borough of North York is vacating offices some time in 1978 and that there are long-range plans for the takeover of those offices and the establishment of courts. In the interim, I am advised, there are short-term leases being taken up on factories in the area, and those factories are being converted to courts to meet the need now.

If that is so, why are we wasting so much money, or why is the ministry entering these short-term leases for the conversion of these factories when the borough of North York offices are to be vacated in 1978?

This is information, as I said, that I stand to be corrected on. But that is my understanding. I would like to have some direction from the ministry with respect to plans in this area, particularly in the area of North York.

Hon. Mr. McMurtry: Mr. Chairman, in relation to what progress, if any, we are making in relation to court backlogs, there are a few remarks I want to offer in respect to this very serious issue. I am optimistic that some of our initiatives will bear some fruit in the not-too-distant future.

The increase in the small claims court jurisdiction to \$1,000—maybe we should increase it beyond \$1,000 in the very near future—should relieve the county courts, to some extent at least, in the areas where there are these backlogs.

We are encouraging the judges at all levels in the civil courts to engage in pre-trial procedures in relation to both civil and criminal cases. As you know, Walter Williston and the committee which I appointed two years ago have been working on a review of the rules of practice, which I hope will help remove some of the unnecessary complexity of pre-trial proceedings—interlocutory proceedings—which sometimes are referred to as a form of ambush tactics. I think that, hopefully, will relieve judges, both county and Supreme Court, of some of their burdens in so far as dealing with these interlocutory matters is concerned.

As you know, Mr. Justice Arthur Kelly, reported recently with respect to his review of the appellate jurisdiction in this province. With respect to judges we have increased the Supreme Court bench in the last two years by almost a third, the county court somewhat less and the provincial court bench has increased during my tenure—both family and criminal—from 158 to 186. So we have made some significant efforts in that direction to relieve these backlogs.

But at the same time I hasten to mention, so far as these backlogs are concerned—a problem which is of grave concern to me and which I have always stated was of grave concern—I still think we can point to the fact that our backlogs have come nowhere close to the critical situation which has developed south of the border in relation to urban centres of a similar size.

I consider the matter critical, and I have never hesitated to state it was critical. I have often said it publicly, and I am sure these words will be repeated in the material that is before you, that I regard the case-load backlog as having the potential of undermining the administration of justice in a very serious way if some resolution isn't found.

Fortunately I think we can say that we are in a much better position than jurisdictions that are comparable from an urban standpoint. Discussions I have had with the chief judges and the senior judges would indicate that the time between arrest and trial, and the time between when the action is set down for trial in a civil case and the actual trial is a relatively manageable period. But I don't say that, I emphasize, with any sense of complacency whatsoever. This is a matter which must continue to be given the highest of priorities, and a matter which must continue to occupy a good deal of my time.

In respect to courts administration, we had our key courts administration people taking courses, in the US, for example, to study useful new developments there that are taking place in certain areas. During the past year we have had special management courses for some 135 of our provincial court administrators, and 87 of these court administrators are presently in a program being run by Sheridan College.

Before leaving some of the issues raised by the member for Lakeshore, I should say that I had a very useful meeting during the past week with the new Chief Justice of Ontario. He certainly indicated his enthusiasm about participating in the resolution of the problems of our courts at all levels.

Mr. Lawlor: Enthusiasm now?

Hon. Mr. McMurtry: I think it is very important that the stature—

Mr. Lawlor: I would have thought he would have taken it on as a duty, not enthusiastically.

[12:15]

Hon. Mr. McMurtry: No, actually, Mr. Chairman, in some provinces the chief justices regard their duties—and this is nowhere spelled out to my knowledge—as pretty well being restricted to the appellate courts in those provinces. I think it's useful and important that the new Chief Justice, as did his two predecessors, should indicate recognition of the importance of his position in relation to the administration of justice generally. I think this is very important, because I do believe their stature enables them to bring to bear a very useful influence in relation to the administration of courts generally. He's quite agreeable, for example, to heading a judicial council which initially will act as an advisory body.

I made it quite clear that I believe for a number of reasons that a judicial council, such as the one contemplated by the white paper, should as a first step at least act in an advisory capacity to the Ministry of the Attorney General, more particularly to the Attorney General. I believe this is a very important step forward.

With respect to the matter of restitution raised by the member for York Centre, I agree with him that our judges should have jurisdiction in relation to these very important matters. As I think I indicated recently, the Supreme Court of Canada will be making a decision on this matter before the end of the year early next month, I expect. In the event the Supreme Court rules those particular sections of the Criminal Code unconstitutional, I can assure members opposite that we will be bringing in amendments forthwith in order to provide that jurisdiction. These amendments would be forthcoming when the House meets again in February. So we're very much aware of this particular issue.

About the issue relating to provincial courts in North York, we will be opening up seven criminal courts in North York at 1000 Finch Avenue West. We've been wishing to proceed with these courts for some time and they will be available by March.

In so far as the old municipal building is concerned, I gather it wasn't made known until quite recently that this would be available. If we were to change direction at this point, and if we could change direction without exposing ourselves to some very sig-

nificant liability for any leases we've entered into, I'm told the old municipal buildings would require very extensive renovations and this whole matter would be delayed. I'm very anxious to proceed with these North York courts, because the issue is tied in so much to the decentralization program that we talked about in relation to the Crown attorney system.

And of course we are providing additional provincial courts in order to attack the backlog.

There's one matter to do with the backlog in the provincial criminal courts that is of increasing concern to me. This issue is one about which there doesn't appear to be any ready solution. I mention it in order to indicate to the members opposite that they might reflect on this and offer me any advice they may have on this very difficult area in the weeks and months ahead. Statistics indicate a very large percentage of the criminal cases that are scheduled to proceed in the provincial court do not go ahead at the last minute, simply because counsel is in another court; I am sure that when counsel advise courts that they are engaged in another court that information is correct.

It's an alarming statistic in some areas. In some areas as many as 50 per cent of the proceed dates do not actually proceed. As a result we have lists folding and empty court rooms. I can tell you this makes it very difficult for an Attorney General to persuade the public as to the need for additional court rooms, and through the public their elected representatives, when court space is not or does not appear to be properly utilized, when people visit the provincial court rooms and see the courts empty early in the day.

It's a very difficult issue, because it relates to a very fundamental right that we've long recognized in this jurisdiction, namely the right of an accused to a counsel of his or her choice. I don't suggest for one moment that is not a right that should be given very great recognition. In other areas I've mentioned, for example Scotland, where you have a split profession, barrister and solicitor I learned this summer that if a court date is set the case goes on. There have to be the most exceptional circumstances, which very seldom occur, to delay the trial. Of course with a split profession, it often means that the solicitor who is retained is briefing new counsel at the last moment. I think I indicated a few weeks ago when asked about this, that this would be considered a very revolutionary concept in our courts, and certainly with a fused profession it may make it very difficult.

It's a matter that does frustrate the provincial court judges all over this province. I know, because I've had a number of them convey messages to me through their senior judges saying, "We want to put in a good day, we're set to go; and then we get there in the morning and we see, day after day, our lists collapsing because counsel are in other court rooms."

As I said at the outset, I don't have any solution to that. I would be the last one to suggest that we should lightly interfere with the basic right of an accused person to have counsel of his or her choice. But unfortunately in some areas where the counsel work, and Ottawa, I think, is a pretty good example, a relatively small percentage of the bar does virtually all the criminal work. This is a particular problem.

It may be that some time down the road the public is simply going to rise up and say, "Look, we can't afford to have our court rooms empty to the extent they are because counsel are in another court room." It may be that the public will just tell us, "Look, an accused person is going to have to prepare to be represented by Mr. A or Mrs. B, et cetera, in order that these trial dates may proceed."

I just mention this in passing, not because I have any solution, as I said at the outset, but because it's a matter that concerns me greatly since it does cause a great deal of frustration in the system with the judges, with their lists collapsing, with police officers who are there with their witnesses ready to proceed; and of course with citizens in court, taking a day off work, who are told that their case isn't going on and to come back another day.

It's a serious problem. I mention it again in order that my colleagues opposite might reflect upon it. As I've always encouraged them to do, I hope they will let me have the benefit of their advice if they think they have any useful suggestions in this respect.

Mr. Roy: We always have useful suggestions, you know that.

Mr. Stong: Getting back to the point of the North York courts: As I understand it, there are going to be seven courts established. I wonder if you can tell us what the lease arrangements are on those courts? What's the term of them?

Hon. Mr. McMurtry: Five; and five renewable.

Mr. Stong: And is there an intention in the ministry at this point to renew or, in the meantime is it going to work to renovate the borough offices? Are you going to appoint

new judges; and how many judges do you perceive being needed in that area?

On the second point, you indicated the lists are collapsing. I believe that is a problem we have to consider. Why are the lists collapsing? As you indicated counsel is in another court, that's usually the reason; and we accept that?

Mr. Foulds: We don't accept that; a doctor doesn't doublebook operating theatres.

Mr. Roy: You would be the first person to object if you didn't have a lawyer.

Mr. Stong: Why is counsel in another court? Is counsel in the other court because the other court is a higher court to which he was called, or is it a continuing case in a higher court? Or is it a matter of overbooking himself? In so far as it's a matter of overbooking himself, we should have provisions in our law to assess costs against counsel, who would be required to pay the costs of the court for that day if he has overbooked himself in two provincial courts. But if it is beyond his control that's another matter; and oftentimes in jurisdictions outside of Metropolitan Toronto the assizes come up; he has his cases booked in low court and then the assizes come up and he goes to assignment court. He is told, basically, when the case is going to proceed, and then he has to make arrangements in low court to get those matters adjourned, because the assizes do not last as long. There are more cases in low court and he is caught in a bind.

Maybe the other answer to this is that people in Ontario should be prepared to accept his partner, or another person who is not as qualified in criminal law to represent them. I don't think we should have a split between the barrister and solicitor. I think it's more valuable to the community to have those titles in one individual.

However, there's one other matter we should consider; and that is perhaps extending the jurisdiction of our provincial judges to have jury trials, thereby amalgamating, in certain circumstances, the two levels of court where most cases take place, provincial and county. Then there would not be the problem of overbooking or overlapping, or one court maintaining that it has higher authority and higher jurisdiction over the lower court and confusing the list. If we extend the jurisdiction of the provincial court, and the county court and the provincial court are amalgamated in terms of jurisdiction, you wouldn't have the problem of one court assuming it has higher jurisdiction, and therefore preference over the lower court, which deals with 95 per cent of our cases.

It seems to me that if a lawyer overbooks himself in provincial court he should be assessed costs for any inconvenience he causes.

Mr. Lawlor: That's what the British do.

Mr. Stong: If he is required in county court as the result of a case continuing beyond his control, then that's something that may be alleviated by extending jurisdiction. Those are matters that I think the ministry should address itself to in trying to alleviate this problem.

Mr. McClellan: Just as a preliminary observation, I hadn't been intending to speak on this subject but the member for York Centre has made a lot of sense. For those of us who are not lawyers, the notion of lists disappearing because lawyers have overbooked themselves is simply intolerable. The member for Port Arthur points out that if a doctor books himself into two operations simultaneously he would probably lose his licence. There ought to be accountability for lawyers who are overbooking themselves, they ought to be disciplined and it's as simple as that. There are obviously other factors as well and they need to be addressed administratively, but lawyers have been overbooking themselves for a long time, I gather. It's just part of the profession of law.

Mr. Roy: The only way they can make a living on legal aid is to overbook themselves.

Mr. Foulds: Oh for goodness sakes, I have never seen a poor lawyer.

Mr. McClellan: That brings tears to my eyes. I'm not overwhelmed by that argument.

[12:30]

Who is being ripped off? Not the lawyers and their income, but the clients who are left stranded in court or the witnesses who are called into courts five, six, seven and eight times; and each time it is remanded. I would hope the Attorney General would bring in measures that will render lawyers accountable and require an examination of absences and an explanation, and discipline where it is clear that an overbooking has taken place. The solicitude on the part of the lawyers and the House for the creating of new judges is highly suspicious, Mr. Chairman, highly suspicious.

I wanted to talk just for a few minutes about the matter of children's rights. It's a question of the administration of the family courts. The Attorney General has commissioned a report on the representation of children in the provincial court, family division, which was received earlier in the year. I just wanted to ask a couple of questions. The report was received in June, 1977. I just

wanted to ask a couple of questions with respect to its status and the Attorney General's attitudes and responses to the report.

The Ministry of the Attorney General is, I guess, the only ministry aside from Community and Social Services which still has a finger in the children's services area through its responsibility for the family court. There is considerable confusion, which I would like the Attorney General to clear up this afternoon, with respect to his attitude to the question of the legal representation of children in family court. I draw to the Attorney General's attention an article in the *Toronto Star*—I am sorry I don't have the date, but within the last couple of days. It is by Paul Dalby and describes some comments the assistant Deputy Minister of Community and Social Services, George Thomson, made with respect to the need for a bill of rights for children. Judge Thomson is quoted as saying that Ontario should draw up a bill of rights to protect its children and he went on to list—

Hon. Mr. McMurtry: He said children outside the family. He restricted it to that.

Mr. McClellan: Okay, I am not trying to put you on the spot. What I would like is a clear statement of your own views with respect to this matter, and to the question of legal representation. Secondly, I ask whether you intend to follow the recommendation of your committee on the representation of children in provincial court, family division; the recommendation on page 34 of the report that recommends an amendment to the Provincial Courts Act, as follows: "Where a child is not legally presented to require a judge at the time of an application under part 2 of the Child Welfare Act, or any stage of such a proceeding, to determine whether legal representation of a child is desirable; and secondly, if the judge is of the opinion that some representation is desirable to appoint counsel to represent the child." We have been told there are a number of proposals forthcoming from the Ministry of Community and Social Services.

I don't know whether they plan to establish legal representation by amendment to the Child Welfare Act or whether legal representation will be established in accordance with the recommendation of your committee, so I would like to know: (a) Your view on the question; and (b) how the government intends to introduce legal representation and what kind of legal representation is intended to be introduced.

I apologize if this subject has already been discussed, but I haven't been here through-

out. I would like to know the status of the recommendation, again of the same committee, with respect to the establishment of three pilot projects in the family courts in Willowdale, Sudbury and Guelph, which would serve to develop firm and comprehensive guidelines with respect to the legal representation of children before the courts.

Would the Attorney General like to respond to some of those points?

Hon. Mr. McMurtry: As I indicated earlier in the estimates, I initiated the committee on child representation because of my own view that there was some question as to whether they were being adequately represented.

With respect to the Children's Aid Society, which has a very serious mandate in this area, and a mandate that I generally believe they carry out very well, I felt that in dealing with the whole family, which is their principal responsibility, occasionally there could be conflict between the family and the child. I was very strongly of the view that children should be heard and that they should have their opportunity to be represented.

In January, by reason of my personal concerns, I caused this I believe excellent committee to be established, by Professor Mendes da Costa; and he has given an initial report. I have indicated that funding will be made available for these pilot projects that are being developed. I am sorry I don't have the report in front of me, and I can't specifically remember, but I think the locations you mentioned are all quite accurate. I am just trying to recall whether we have other locations as well. They are proceeding with that, and their mandate will go beyond the provincial court.

In the meantime, our Official Guardian, Mr. Lloyd Perry, has been very much involved in providing separate representation for children in custody actions. This has expanded quite dramatically over the past two years. I am told there are about 150 custody actions in the Supreme Court whereby the Official Guardian's office is providing legal counsel for children, quite independent of the legal counsel who are representing the principal litigates, the mother and father, the spouses.

The member for St. George (Mrs. Campbell) and I had an interesting exchange of views the other day about child representation generally. She expressed some very important views in respect to child representation in criminal actions where the child is the victim. This is a very important area, particularly when the child has been victimized by the child's own parents, often of course

unfortunately involving a father and daughter situation. It is important that that child be represented and be protected.

Of course when the child is victimized by anybody it is a very frightening experience; the whole business of appearing in court and giving evidence and being subjected to cross-examination can have some lasting detrimental emotional effects. This is all part of our concern in relation to that. Certainly with respect to children's rights, in so far as a bill of rights relating to a child's treatment when the child is in someone else's custody other than the parents is concerned, I don't think there is any question but that the child must be protected by a series of laws that will protect the child in every area.

My own concern in this area was restricted to matters within the family circle. As to what extent you start to develop bills of rights for daughters, another one for sons, for mothers, fathers, husbands, wives—what I was concerned about was not getting overly involved in passing legislation that might simply encourage disruption within the family unit when it is an ongoing unit, as opposed to rights that must exist in the law generally for every individual, regardless of sex or age. I think Judge Thomson and I are on all fours with one another in our concerns in respect to that.

The matter of the amendments to the Provincial Courts Act, which was recommended by the committee on child representation, I support completely and so does the Minister of Community and Social Services (Mr. Norton). He has a package of legislation coming forward and we are waiting for that, but it may well be that we will be presenting an amendment to the Provincial Courts Act ourselves before Christmas. I can't give a firm undertaking in that regard, but I think it's quite probable.

Mr. Haggerty: Just get the family law reform first.

Hon. Mr. McMurtry: I'd be delighted at any assistance that might be offered from the members opposite to proceed with the family law reform legislation. I've certainly made it quite clear to the chairman of the justice committee that I would hope that we would proceed, that we hope we're going to get it through before Christmas.

Mrs. Campbell: If you amend the estimates, then you would get it through.

Hon. Mr. McMurtry: No?

Mr. B. Newman: Let's get the show on the road.

Hon. Mr. McMurtry: I see. I want to make it absolutely clear that I believe this whole

area of children's representation is a very important one and one on which we in the ministry, within the last year or two, have taken very substantial initiatives in respect to furthering the concept of child representation throughout the system of justice.

Mr. McClellan: It's a pleasure to respond and thank the minister for his response. I would hope you would proceed by way of amendment to the Provincial Courts Act rather than through the vehicle of the Child Welfare Act. I think it's a solid recommendation. I have talked to members of the committee. I'm familiar with some of the thinking behind that recommendation and I commend it to you. Thank you.

Mr. Bradley: I listened with a good deal of interest to members who have indicated the need for a court-house facility in their particular constituencies. The member for Ottawa East (Mr. Roy) spoke at some length and on different occasions about the real needs that exist in the city of Ottawa.

I would also draw to the minister's attention the dire need for a new court-house in the city of St. Catharines, a need which has been documented many times over the years.

Mr. Haggerty: Twenty-five years or 30 years.

Mr. Bradley: I was doing some research on this; and it's rather interesting when you are a member of the opposition when you are doing research. The minister has an excellent staff available to him and certainly he is well versed in legal matters.

[12:45]

I went to the St. Catharines public library and paid \$4.90 to photostat some articles that have appeared in the St. Catharines Standard over the years, all of them pointing to the real need for a court-house in the city of St. Catharines. I noted a list of some 30 articles that were available, many of them describing the reports of what must be over 15 grand juries which have now condemned that particular present court-house. Members who have been around the Legislature for a while will recognize that the court-house is something that has been promised for a number of years. I can recall back in 1971, I think in April of that year, it seemed to be very imminent.

Mr. Haggerty: That was an election year.

Mr. Bradley: I would presume it was only a coincidence there was an election in the fall of that year, but certainly it seemed to be on the books at that time. It still has not appeared.

I would like to mention some of the articles that have appeared and some of the grand

jury reports, and some of the problems that exist at the present time at that court-house. Here is one that goes back to what looks like 1954, which says: "Grand jury finds county court-house to be overcrowded. Grand jury again condemns lack of court-house facilities." It discusses some of the problems that exist.

Mr. Haggerty: That letter was sent to Premier Frost.

Mr. Bradley: I am now updating it to 1971, to be fair to some who presently sit in the House. This is from the St. Catharines Standard: "A Supreme Court grand jury has taken up the cudgel of its predecessors and soundly condemned the King Street court-house for inadequate facilities. In a two-page report to Mr. Justice J. H. Osler, presiding at the winter assizes of the Supreme Court of Ontario, the jury cites six inadequacies in the century-old building. They include inadequate fire protection in all offices, inadequate working and storage space, poor location for Crown attorneys' offices and special examiners' room, insufficient parking facilities, unsatisfactory heating, ventilation and air conditioning, no waiting room areas for petit juror panels summoned to duty. 'We have concluded that the building is obsolete for its present purposes' the grand jury reported."

In February, 1971 under the heading "Grand jury remaining empanelled until court-house plan produced," the paper reported: "For the first time within memory a grand jury has remained empanelled after its official duties are over. Judge Donald B. Scott, presiding over the third day of the winter sittings of county court for the judicial district of Niagara North, acceded to a recommendation by the seven jurors that they not be dismissed nor discharged until a positive plan for a new court-house or alternate court accommodation is produced. Judge Scott told the all male grand jury "—I don't know whether that is significant or not—" he was intrigued with their request and could see no reason why it cannot be complied with. However, he pointed out that the per diem rate of pay could not, of course, be continued." The article continues, talking about the inadequacies.

An editorial appeared in the St. Catharines Standard, on June 21, 1967.

Mr. Lawlor: Now you know why they abolished grand juries.

Mrs. Campbell: Exactly, it is embarrassing.

Mr. Bradley: The Standard could not be classified as a newspaper unfriendly to the present administration. I quote from an editorial entitled: "No justification for delays," which said: "There can be no longer any

doubt"—this is 1967—"about the need for new and adequate administration of justice facilities in this city. As Mr. Wishart, the Attorney General, pointed out in his recent letter to the city, the volume of court work and the concentration of population will require a court-house in St. Catharines, regardless of whether or not any form of regional government is established. When the Supreme Court of Ontario is forced to hold its session in the city council chambers because of the inadequacies of our 120-year-old court-house, as happened this week, it is time indeed for action to be considered."

Mr. Roy: That was six Attorneys General ago.

Mr. Bradley: I won't quote specifically from this, but on July 17, 1971 the paper said: "Government continues to pour money into court-house to keep it operable." That demonstrates that the maintenance costs are pretty high. This is an article by Mr. Tom McCarthy in the St. Catharines Standard. Mr. McCarthy, by the way, sought the Conservative nomination, I think in 1975. He wrote: "The building which has outlived its usefulness as a centre for the administration of justice has recently received several repairs and changes in the hope local members of the judiciary and officials of the court will be satisfied. Of course, they will not." He continues to document the problems which exist there. "Observations contained in the report of the Ontario Law Reform Commission with respect to the administration of Ontario courts published last year indicate what a low priority the administration of justice has in this province." And again it condemns past Attorneys General, or at least the government, for not being able to find these funds.

"Court-room shortage will force use of regional council chambers," November 16, 1972. "Jury attacks court facilities, has lunch with inmates at jail," January 10, 1975. Again, documenting the problems. "Grand jury finds it unbelievable that no action taken on court-house after reports of other juries," January 11, 1973. "Another grand jury raps conditions at court-house," March 31, 1976. "Another grand jury raps conditions at court-house," April 1, 1975. The list goes on, Mr. Chairman, I needn't go through each and every one of them.

Mr. Roy: Please do.

Mr. Warner: Sounds like Ottawa.

Mr. Bradley: But I will choose one which does talk about the specific problems that exist: "Small, congested, totally inadequate offices, poor working conditions for the staff resulting in inefficient operation, poor morale

of staff, the lack of washroom facilities for lawyers—"Now, there's a real problem. "-poor condition of the petit jury room-" described as "-too small with no proper ventilation." I was in that room; it looked more like a cell than it did like a jury room.

Mr. Warner: Sounds like a description of my office.

Mr. Bradley: To continue: "Lack of a holding room for prisoners on trial; the total inadequacy of central filing system for legal documents; the antiquated layout of the building, which is not conducive to an efficient operation; poor lighting, acoustics and lack of air conditioning." The air conditioning consists of opening the windows and listening to the buses going by, because the central bus station is at that particular location, and listening to the rude remarks of those who have no respect for the judicial system; obviously not.

Hon. Mr. McMurtry: It is called participatory democracy.

Mr. Roy: No, no; they are just cursing other judges.

Mr. Bradley: Here is one of my favourite articles, Mr. Chairman. "St. Catharines may soon get a new court-house," April 24, 1971. "It's finally happening! St. Catharines may soon be getting a new court-house. T. R. Hilliard, Deputy Minister of the Ontario Department of Public Works informed city council in a letter last night it has an option on the Wright estate on Duke and James Street."

Mr. Roy: When was that one?

Mr. Bradley: That was April of 1971, election year 1971.

Mr. Roy: Oh yes, there was a pending election there. Promises were flowing free and fast.

Hon. Mr. McMurtry: If we kept having elections every year, we would get some court-houses built.

Mr. Bradley: It did not use the phrase in the fullness of time.

Hon. Mr. McMurtry: Well they should have.

Mr. Bradley: Mr. Chairman, I won't use up the time of the House in repetition, but needless to say it does continue on and on; one after another we see these comments. I'll quote very quickly from a 1975 article by Mr. John Morrison: "For years, I believe dating back to at least 1935, the present court-house has been considered inadequate." That is to say the least.

Mr. Warner: No wonder you guys lost down there.

Mr. Bradley: "Grand jury happy to report on a final tour," and so on.

Here is my favourite, Mr. Chairman, because this does show some positive action, this present one. My colleague from the city of St. Catharines, representing the constituency of Brock, the Hon. Robert Welch, says this, and certainly I am very pleased to hear this: "New court-house next, and soon." This is June 23, 1977. I hope I am not reading this in the House 10 years from now, "St. Catharines may be getting a new district court-house before long."

Mr. B. Newman: We will build one.

Mr. Cureatz: You will never get over here.

Mr. Bradley: "Culture and Recreation Minister Bob Welch said yesterday that we may have one soon, built on the site of the old downtown library, although he couldn't give any specific and definite date."

Mr. Haggerty: Wintario grants.

Mrs. Campbell: Culture and recreation!

Mr. Bradley: Mr. Chairman, at the present time the various legal agencies in the municipality are scattered about the city; the registry office, the local examiner, the small claims court, the provincial court and the family court, are located apart from one another; ideally they should be brought together in one justice building. One lawyer gave me the example that real estate transactions are very difficult to close under these particular circumstances. He gave this as only one example.

The minister would be familiar with the downtown revitalization committee task force that met with him and has communicated with him the real need for a court-house. The committee contained some members of the legal profession, but many are not and certainly they too see the need for it.

There is a certain uncertainty that some people tell me about in St. Catharines that the province is never going to build this court-house. I don't believe that of course, but they would like to see some of the foundations laid so that they could believe some of the promises that were made over the years. The immediate construction of the court-house would indicate the province's real concern about downtown revitalization in the city of St. Catharines and the fact that it has faith in the downtown area.

I can understand the Minister of Treasury, Economics and Intergovernmental Affairs (Mr. McKeough) being concerned about costs, particularly operating costs. By bringing all these facilities under one roof surely the operating costs themselves would not in-

crease to any great extent. The minister will be familiar with the fact the province, on behalf of the city, has now demolished two buildings considered to be architecturally attractive and somewhat historic because there was a court-house to be built. I refer to the Wright house and to the old library. Many are concerned that these were torn down for nothing and that it will remain a very unattractive area for quite some time. We might have retained the front portion of that. It's gone now and I'm not going to drag that dead horse through the whipping line again.

I have a letter written by the Premier (Mr. Davis) that the minister would be interested in, because the communications I've received from the minister had made me optimistic that there was a definite movement in this direction. The Premier, in reply to a constituent in St. Catharines, wrote a letter which probably caused some pessimism in the minds of the community. It says; "Dear Mr. and Mrs. Gibson: This will acknowledge your letter in which you expressed concern regarding the demolition of the St. Catharines library. I understand that the decision to demolish this library was, as you stated in your letter, a decision of the municipal council of St. Catharines." That is inaccuracy number one. "Due to financial constraints it is unlikely that the court-house will be constructed by the province in the near future." This was the one that really brought many people to the edge of jumping off the top of the present building. "I have forwarded a copy of your letter to my colleague, Hon. Roy McMurtry, Attorney General. Thank you for bringing your views to my attention."

I assume this is a case of the right hand not knowing what the left hand is doing—not that the Premier should know in every detail what's going on, but I assume the Attorney General knows in more detail what is going on.

At the present time, in the present economic climate, the opportunity to build a building at a relatively low price is there before us. Competitive tenders for all buildings are the norm rather than the exception. I think this would be excellent to see the project started because of the fact there is so little business going on in the construction industry. It would aid in alleviating unemployment problems in the construction industry and keep businesses viable. These are not the most important reasons for building, but they are the most important reasons for building at the present time.

The city would like to use the present older court-house building for other purposes.

The municipality is now renting office space for the engineering department, which could be moved into that building which it is my understanding the city owns; or possibly the museum could be moved in there.

I implore the Attorney General to proceed as quickly as possible with this building on behalf of the residents of the city of St. Catharines and on behalf of seeing justice really done in a concrete way in the constituency of St. Catharines.

Mr. B. Newman: Invite him down for the ground breaking.

Hon. Mr. McMurtry: I can assure you that if it were my decision alone to build a court-house in St. Catharines, or in Ottawa, I would be out with my spade this afternoon digging the first hole.

Mr. Swart: The Treasurer won't let you.

Hon. Mr. McMurtry: I don't think there is any doubt that those court-houses should have been built some time ago. Believe it or not, I'm going to an opening of a court-house this afternoon in Barrie. At the same time, I sometimes wonder if we shouldn't pass some special legislation to protect our court-houses, particularly the new ones, as an endangered species, because I'm very concerned about it.

Before closing I should like to say, there is one thing that disturbs me about this whole debate. I think those of us who are lawyers in the Legislature probably are quite unanimous in relation to giving new court-houses high priority so far as the government is concerned, but as I look around the Legislative Assembly during these discussions, not only today but on other occasions, I really don't think many of our colleagues give this matter the same sort of urgency. I say that in the context that I think all of us who are lawyers—

[1:00]

Mr. Roy: Especially on your side.

Hon. Mr. McMurtry: —have got to do a more effective selling job with the public as a whole as to the very vital role that is played by the administration of justice, as reflected by good court resources.

Most people pay a lot of lip service to the importance of having a first rate administration of justice, but the truth of the matter is—and this is why the administration of justice sometimes has been treated like a poor cousin in virtually every jurisdiction in the western world—we pay lip service to it, but when it comes to setting priorities, most people in the public can think of higher priorities—hospitals, schools, highways, et cetera, day-care centres. Those of us who are lawyers

who don't recognize that are kind of kidding ourselves.

I think all of us in this Legislature, regardless of where we sit in the House, do have a real challenge, a sort of proselytizing challenge, in making the public generally aware of these urgent priorities in relation to the administration of justice so all of our colleagues will be a little more supportive, because I don't sense that support now on either side of the House.

On motion by Hon. Mr. McMurtry the committee of supply reported progress and asked for leave to sit again.

ROYAL ASSENT

Mr. Deputy Speaker: Before I entertain a motion for adjournment of the House, I beg to inform the House that in the name of Her Majesty the Queen, the Honourable the Lieutenant Governor has been pleased to assent to certain bills in her chambers.

Clerk of the House: The following are the titles of the bills to which Her Honour has assented:

Bill 25, An Act respecting Ryerson Polytechnical Institute;

Bill 40, An Act to amend The Municipal Act;

Bill 72, An Act to preserve Topsoil in Ontario;

Bill 73, An Act to amend The Ontario Guaranteed Annual Income Act, 1974;

Bill 77, An Act to amend The Judicature Act;

Bill 81, An Act to amend The Small Claims Court Act;

Bill 84, An Act to amend The Public Transportation and Highway Improvement Act;

Bill 85, An Act to amend The Highway Traffic Act;

Bill 99, An Act to regulate the Discounting of Income Tax Refunds;

Bill Pr1, An Act respecting the Township of Tay;

Bill Pr2, An Act respecting the Township of Dover;

Bill Pr8, An Act respecting the City of Burlington;

Bill Pr12, An Act respecting Certain Lands in the Township of Casgrain;

Bill Pr17, An Act respecting the City of Kitchener;

Bill Pr19, An Act respecting Circle R Boys Ranch;

Bill Pr21, An Act respecting Fuller-Austin of Canada Limited;

Bill Pr22, An Act respecting the Borough of Etobicoke;

Bill Pr23, An Act respecting Matol Holdings Limited;

Bill Pr24, An Act respecting Niagara Institute for International Studies;

Bill Pr25, An Act respecting the City of Sarnia;

Bill Pr8, An Act respecting the City of Hamilton;

Bill Pr30, An Act respecting the City of Chatham;

Bill Pr31, An Act respecting Garnet Holdings Limited;

Bill Pr32, An Act respecting Stanley Starr Limited;

Bill Pr33, An Act respecting Kedna Enterprises Limited;

Bill Pr34, An Act respecting the City of Sarnia;

Bill Pr35, An Act respecting Shore and Horwitz Construction Company Limited.

On motion by Hon. Mr. McMurtry, the House adjourned at 1:04 p.m.

APPENDIX

(See page 2280)

Response to a written question was tabled as follows:

45. Ms. Bryden—Inquiry of the ministry: Would each minister please indicate how many persons were employed in his/her office or were classified as part of the minister's staff on March 31, 1975, March 31, 1976 and March 31, 1977 in the following categories: (a) executive and/or administrative assistants; (b) public relations and information personnel; (c) secretaries and clerical staff; (d) others. [Tabled November 17th, 1977.]

Response by the Chairman of Management Board (Mr. Auld):

As the above question requires liaison with each ministry to obtain the information requested, I am providing an interim reply notifying you that an answer will be available within 28 calendar days.

The above question will be co-ordinated by Mr. N. E. Mealing, Director, Recruitment Branch, Civil Service Commission, who will be responsible for contacting all ministries.

CONTENTS

Friday, November 25, 1977

Provincial parks, statement by Mr. F. S. Miller	2267
Amendments to bills, statement by Mr. Grossman	2267
Group homes, questions of Mr. Norton: Mr. S. Smith, Mr. Eakins	2268
Activities of RCMP, questions of Mr. McMurtry: Mr. S. Smith, Mr. Deans, Mr. Roy	2269
Actions of police at Burlington, questions of Mr. MacBeth: Mr. Deans	2271
Mining tax, questions of Mr. Davis and Mr. McMurtry: Mr. Deans	2272
Food promotion, questions of Mr. Davis: Mr. McKessock	2272
Training school death, questions of Mr. Norton: Mr. McClellan, Mr. Foulds	2273
Student letters, questions of Mr. Parrott: Mr. Sweeney, Mr. Foulds, Mr. Breithaupt	2274
Condominium legislation; Garfella investments, questions of Mr. Grossman: Mr. Philip	2275
Home renewal program, question of Mr. Rhodes: Mr. G. Taylor	2276
Bradley-Georgetown Hydro corridor, questions of Mr. J. A. Taylor: Mr. Reed	2276
Activities of OPP, question of Mr. MacBeth: Mr. Foulds	2277
Universities policy, questions of Mr. Parrott: Mr. Bradley	2277
Non-returnable containers, questions of Mr. Kerr: Ms. Bryden, Mr. Gaunt, Mr. Bounsall	2278
Report, select committee on Inco layoffs, Mr. Handleman	2279
Report, standing administration of justice committee, Mr. Philip	2279
Motion to consider final report, select committee on the fourth and fifth reports of the Ontario commission on the Legislature, Mr. MacBeth, agreed to	2280
Oxford Municipal Hydro-Electric Service Act, Mr. J. A. Taylor, first reading	2280
Tabling answer to written question 45, Mr. MacBeth	2280
Township of Dover Act, Mr. McGuigan, second and third readings	2280
City of Hamilton Act, Mr. Deans, second and third readings	2280
City of Chatham Act, Mr. McGuigan, second and third readings	2280
Estimates, Ministry of the Attorney General, Mr. McMurtry, continued	2280
Royal assent to certain bills, the Honourable the Lieutenant Governor	2296
Motion to adjourn, Mr. McMurtry, agreed to	2296
Appendix, answer to written question	2297

SPEAKERS IN THIS ISSUE

Bolan, M. (Nipissing L)
Bounsall, E. J. (Windsor-Sandwich NDP)
Bradley, J. (St. Catharines L)
Breithaupt, J. R. (Kitchener L)
Bryden, M. (Beaches-Woodbine NDP)
Campbell, M. (St. George L)
Cureatz, S. (Durham East PC)
Davis, Hon. W. G.; Premier (Brampton PC)
Deans, I. (Wentworth NDP)
di Santo, O. (Downsview NDP)
Eakins, J. (Victoria-Haliburton L)
Edighoffer, H.; Chairman (Perth L)
Foulds, J. F. (Port Arthur NDP)
Gaunt, M. (Huron-Bruce L)
Germa, M. C. (Sudbury NDP)
Grossman, Hon. L.; Minister of Consumer and Commercial Relations (St. Andrew-St. Patrick PC)
Haggerty, R. (Erie L)
Kerr, Hon. G. A.; Minister of the Environment (Burlington South PC)
Lawlor, P. D. (Lakeshore NDP)
MacBeth, Hon. J. P.; Provincial Secretary for Justice and Solicitor General (Humber PC)
MacDonald, D. C. (York South NDP)
Makarchuk, M. (Brantford NDP)
McClellan, R. (Bellwoods NDP)
McKessock, R. (Grey L)
McMurtry, Hon. R.; Attorney General (Eglinton PC)
Miller, Hon. F. S.; Minister of Natural Resources (Muskoka PC)
Newman, B. (Windsor-Walkerville L)
Nixon, R. F. (Brant-Oxford-Norfolk L)
Norton, Hon. K.; Minister of Community and Social Services (Kingston and the Islands PC)
Parrott, Hon. H. C.; Minister of Colleges and Universities (Oxford PC)
Peterson, D. (London Centre L)
Philip, E. (Etobicoke NDP)
Reed, J. (Halton-Burlington L)
Reid, T. P. (Rainy River L)
Rhodes, Hon. J. R.; Minister of Housing (Sault Ste. Marie PC)
Riddell, J. (Huron-Middlesex L)
Rotenberg D.; Deputy Chairman (Wilson Heights PC)
Roy, A. J. (Ottawa East L)
Ruston, R. F. (Essex North L)
Samis, G. (Cornwall NDP)
Smith, S.; Leader of the Opposition (Hamilton West L)
Stokes, Hon. J. E.; Speaker (Lake Nipigon NDP)
Stong, A. (York Centre L)
Swart, M. (Welland-Thorold NDP)
Sweeney, J. (Kitchener-Wilmot L)
Taylor, G. (Simcoe Centre PC)
Taylor, Hon. J. A.; Minister of Energy (Prince Edward-Lennox PC)
Warner, D. (Scarborough-Ellesmere NDP)



Legislature of Ontario Debates

Official Report (Hansard)
Daily Edition



First Session, 31st Parliament

Monday, November 28, 1977

Afternoon Sitting

Speaker: Honourable John E. Stokes

Clerk: Roderick Lewis, Q.C.

CONTENTS

A list of the speakers taking part in the debates in this issue of Hansard appears, in alphabetical order, at the back of this issue.

Daily contents of proceedings also appears at the back of this issue. Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff. Phone 965-2159.

Hansard subscription price is \$15.00 per session, from: Sessional Subscription Service, Printing Services Branch, Ministry of Government Services, 9th Floor, Ferguson Block, Parliament Buildings, Toronto M7A 1N3. Phone 965-2238.

Published by the Legislature of the Province of Ontario.
Editor of Debates: Peter Brannan.

LEGISLATURE OF ONTARIO

MONDAY, NOVEMBER 28, 1977

The House met at 2 p.m.

Prayers.

STATEMENT BY THE MINISTRY

USE OF INFLUENCE

Hon. Mr. McMurtry: Mr. Speaker, I have a statement to make in regard to my ministry and the administration of justice in this province. As you will recall, I tabled last Thursday a five-page memorandum from a senior official of my ministry in relation to Mr. Arthur Armstrong. I took this action in response to questions from the Leader of the Opposition (Mr. S. Smith) and because I wanted members of the Legislature and the public to better appreciate the process by which certain decisions were made in this regard in the spring and early fall of 1975.

In response of this memorandum, the Leader of the Opposition has launched a most unfair and irresponsible attack on the administration of justice and the individuals involved in this matter. The Leader of the Opposition is reported in the *Toronto Star* of November 25, 1977 as stating that the Ministry of the Attorney General, and I quote, "obviously bent over backwards to find every conceivable reason not to lay a charge."

That statement in my view represents an assault on the integrity of three senior law officers of the Crown and on the Ontario Provincial Police. I, therefore, cannot let it go unanswered. It further reveals a lamentable lack of understanding of the basic principles of a proper administration of justice.

Mr. Nixon: Do you think we have to agree with you?

Hon. Mr. McMurtry: While it is perfectly legitimate for any member to question the competence of a minister or to debate the policies of the ministry for which he or she is responsible, it surely goes beyond the realm of political partisanship to question the integrity of public servants who are not in a position to respond.

Mr. Nixon: That's nonsense. He was questioning your decision and none other.

Mr. S. Smith: I was questioning your judgement and I am entitled to do that.

Hon. Mr. McMurtry: On page three of the memorandum which I tabled in this Legislature on Thursday last it clearly states that the investigating officer concluded he could not swear on oath that he had reasonable and probable grounds on which to lay a charge. In this province there is a long-established practice of leaving the question of whether a charge should or should not be laid to the discretion of the investigating officer who has interviewed the potential witnesses and assessed the available documentary evidence. In exercising that discretion, the police officer is entitled to advice from Crown counsel on the law and the application of the law to the facts disclosed by the investigation, and that includes advice on the questions of whether the evidence is sufficient to lay a charge.

However, what must be made clear, and what the Leader of the Opposition seems to completely misunderstand, is that the ultimate decision to lay a charge or not lay a charge rests with the officer who conducted the investigation. Neither his superior officer nor Crown counsel advising him nor their superiors can order that officer to lay a charge or to not lay a charge.

In the *Toronto Sun* of the same date, the Leader of the Opposition also said of Mr. Armstrong, and I quote: "... without calling him guilty, he should be charged . . . I would have gone ahead and at least provided Mr. Armstrong with his day in court." It would appear in the eyes of the Leader of the Opposition people should be brought before the criminal courts, even where there are no reasonable and probable grounds to believe that they have committed an offence, simply, and I quote, "to give him his day in court."

Mr. S. Smith: Read the Criminal Code.

Hon. Mr. McMurtry: This in my view indicates a very cavalier approach to the criminal process.

Mr. S. Smith: Utter nonsense.

Hon. Mr. McMurtry: Mr. Speaker, I want to assure you and responsible members opposite that the matter was investigated thoroughly by the police in the summer of 1975. The evidence was reviewed by senior officials of my ministry in September, 1975.

It was the determination of all those who examined this matter that a charge should not be laid.

In recent weeks, as I have already stated, the matter has been reviewed again. It is the unanimous opinion of those who have examined the files that it would not have been proper to lay charges in the circumstances.

As I indicated before, the Leader of the Opposition is welcome to debate the facts, but I say he has no right to impugn the integrity of senior Crown law officers and the Ontario Provincial Police without so much as a shred of evidence to support his insinuations. It is my view that he owes all of those people an apology.

ORAL QUESTIONS

ACTIVITIES OF RCMP

Mr. S. Smith: A question of the Attorney General: Was the Attorney General correctly quoted in the Saturday Globe as saying there is a legitimate public interest in allowing the RCMP access to OHIP data and that he is looking at the possibility of amending legislation which would permit this? Does the Attorney General not agree that section 44 of the Ontario Health Insurance Act has been violated and that he has some responsibility to enforce the Act rather than speculate publicly about how to legalize illegalities that have already gone on?

Hon. Mr. McMurtry: As I said on Friday, at the very most, any responsible law enforcement officer should not have anything more than the bare, so-called "tombstone" data, namely, names and addresses. I made it quite clear at all times that any information that should be made available to police forces should not go beyond those bare bones—names, addresses and names of employers. I made it quite clear that this should not involve any of the confidential medical information.

I would say Mr. Speaker, that some press reports have very badly distorted what was said at that time. I also said if that were to be the case, it should be done within the law, not outside the law and it should not breach any of the hospital insurance legislation.

If an argument could be put forward that the names and addresses of individual subscribers should be made available then I've indicated that the legislation should be clarified to make it clear that that would be available. I made it clear that the police in this province, in my view, must operate at all

times within the law, the Criminal Code of Canada and the provincial statutes.

With respect to whether or not there was a breach of the hospital insurance legislation, as I indicated on Friday my officials and I will be meeting early this week with senior officials of the Ministry of Health. I'm waiting for further clarification from the RCMP to determine whether there was a breach of that legislation.

Mr. S. Smith: By way of supplementary, why has it taken this long for the Attorney General to decide whether or not the provision of the so-called tombstone type data has been a violation of the Act or not? Why has he taken this long to try to find what would be pretty obvious information, and has he located the source of this data? Can he assure us that none of that has come from the Statistics Canada data provided by this province to Statistics Canada?

Hon. Mr. McMurtry: I don't think I have anything to add to what I've said. I'm sorry, I didn't hear the last part of the question with respect to Statistics Canada.

Mr. S. Smith: We provide data to Stats Canada; is the minister sure that wasn't the source of the leak?

Hon. Mr. McMurtry: I don't know. All I can do is reiterate that I don't know at this moment the source of the leaks. I haven't had a chance yet to meet with the Minister of Health (Mr. Timbrell) to know whether they have determined any source of leaks.

I indicated I had sought further clarification from the RCMP to determine what information was in fact made available and they've already indicated it did not go beyond this so-called biographical material. But notwithstanding that assurance, I indicated that I wanted further clarification. As I indicated on Friday, I would be meeting with the RCMP and the Minister of Health this week to determine just what went on, and how and when the evidence or this information may have been made available.

Mr. S. Smith: And I indicated that I sought earlier clarification from the RCMP.

Mr. Lewis: I'd like to pursue it if I may, Mr. Speaker. Since in his vigorous attack on the Leader of the Opposition the Attorney General says at the bottom of page three, "this in my view indicates a very cavalier approach to the criminal process." Does he not think that his own approach is, to say the least, a trifle cavalier when the Act requires a subpoena from a judge to get any information, biographical or otherwise, from such data from OHIP and obviously no such

subpoena was sought? And why then is the minister prepared, even publicly, to contemplate legalizing that kind of behaviour on the part of the RCMP and the OHIP officials who tendered the information?

Hon. Mr. McMurtry: I will repeat what I said several times in this past week, both in and outside the House, as far as I was concerned law enforcement officers in this province must operate within the law.

Mr. Deans: But they are not.

Hon. Mr. McMurtry: If a legitimate case could be made for securing even the barest information such as names and addresses and employers, then that must be done within the law. I've repeated that and repeated it, and I repeat it once again.

Mr. Lewis: Supplementary, if I may, does the Attorney General agree that since providing even the bare-bones biographical information, which is the way the RCMP describes it—and the minister knows how much we can trust them—is a breach because no subpoena was requested—is he not prepared to prosecute on that basis?

Hon. Mr. McMurtry: I am preparing. As I indicated I do not have all the information. I've indicated quite clearly that any breach should not be tolerated even if it is restricted to this bare-bones material. I don't know how many times I have to indicate that in my view law officers must operate within the law of this province.

[2:15]

Mr. Lewis: Then the minister will lay charges.

Mr. Deans: Has the Attorney General been able to ascertain yet who in OHIP is authorized to give out the information even if a subpoena is produced?

Hon. Mr. McMurtry: I have not ascertained that yet. I assumed it was being ascertained by the Minister of Health, but as I indicated already—

Mr. Deans: I asked him two weeks ago for that.

Hon. Mr. McMurtry: —I have not yet met with the Minister of Health this week.

Mrs. Campbell: This week? This is Monday.

USE OF INFLUENCE

Mr. S. Smith: Mr. Speaker, I would like to rise at this point on a point of privilege. In view of the statement which the Attorney General started off today's proceedings with, I would like to respond, if I might, by pointing out that he bases his comment on the

fact that the investigating officer, and I quote from his statement, "concluded that he could not swear an oath that he had reasonable and probable grounds to believe that interpretation (i) in paragraph 6 was the true interpretation."

I note here that there were two possible interpretations in paragraph 6, and since the officer couldn't choose between them he felt he could not lay a charge.

I'll read the first one. It says, "In one sense, it"—the account for \$25,000—"is consistent, at least in part, with a demand for payment for obtaining the earlier hearing date." The second possibility says, "In another sense, especially in light of other evidence with respect to what Mr. Armstrong did for the proposed partnership in late April and early May, it is more consistent with a demand for payment for the work done at that time."

These are the two possible interpretations. The Attorney General claims that the investigating officer could not make a choice between those two. I would like to read into the record a letter from Mr. Arthur Armstrong to Mr. Jan Davies, which is the letter in question concerning the \$25,000.

"Dear Jan,

"You may be assured that I have had some very deep heart searching to do and indeed some real agonizing with respect to the enclosed statement of account. During our various discussions, we touched upon the participation and/or consultant aspects of a possible relationship between us and never did come to a satisfactory conclusion. You will note that I am highly critical of the amounts charged by consultants in our industry but feel that the assistance I was able to give you was way beyond the realm of 'consulting.'

"I think you will agree that if the amount shown on the attached statement is related to the potential profitability of your endeavour and to the savings made because you are able to proceed so much earlier than you had originally anticipated, it is a small amount indeed.

"Of course, I am thoroughly delighted that you have the opportunity to go ahead on a project which has been a very painful one to you. However, at the same time, I feel that honest effort and production is worthy of its just reward. Knowing only too well the problems of cash flow that are the nature of our business, particularly in the early stages of a project, I will not of course expect payment until mortgage draws are forthcoming.

"Kindest regards to Lil and the kids,

"Your very truly,
"Arthur."

How is it possible, I ask, to entertain the second interpretation in the light of this letter? Since I don't believe that it is reasonable to entertain that, I am here questioning, as I have the right to do, the judgement and decision of the Attorney General of the province in this particular matter and I feel I owe no one an apology. Thank you.

RECOVERY OF HYDRO MONEY

Mr. S. Smith: A question to the Minister of Government Services: Can the minister advise the House as to whether there are any agreements between Ontario Hydro and the Ministry of Government Services whereby Ontario Hydro would in some way provide funds to the government, to the Ministry of Government Services, for the purchase of lands within the parkway belt, not only lands needed for Hydro but other lands? What authority would Ontario Hydro have to make such advances of funds to the Ministry of Government Services?

Hon. Mr. McCague: Mr. Speaker, I'm not sure whether there's any written agreement about this, but there is an understanding that where Hydro requires land for its right of way and where it's demonstrated by the owner that the whole property should be purchased rather than just the right of way, Hydro does in fact purchase the whole property and, upon completion of the hearing officer's report and the decision by the Treasurer, the province will then refund the money to Ontario Hydro for the portions it does not need for the rights of way.

Mr. S. Smith: By way of a supplementary, is the minister then saying that Ontario Hydro is seeking to have a portion of those funds now returned to Hydro from the Ministry of Government Services? Can the minister explain why, if this is the normal procedure, Hydro seems to be seeking to have considerable interest payments as well on the money which it has advanced the Ministry of Government Services?

Hon. Mr. McCague: I think the agreement was that after the report the moneys would be refunded. It wouldn't be unreasonable to expect that the government would pay some interest as it would expect to recover some interest, if it was selling these properties to other ministries at a later date.

Mr. MacDonald: Supplementary: Is it the ministry's practice, when it buys a whole farm and then hands over to Hydro that portion needed for the right of way to re-

tain the remainder of the land and dispose of it in whatever is found to be the most effective way?

Hon. Mr. McCague: I think that question was put backwards. Ontario Hydro is buying the whole farm and we are taking back from Hydro what it doesn't require.

Mr. MacDonald: Is the minister saying Ontario Hydro buys the whole thing, retains what it needs for the right of way and then hands the land back to the government which disposes of it?

Hon. Mr. McCague: No, we don't. We would retain the parkway belt unless it would be required for MTC or some other ministry.

Mr. S. Smith: By way of a final supplementary, may I ask the minister whether he will table the agreements that his ministry has had with Hydro with regard to parkway belt purchases, and would he give us a list of exactly what was purchased and what use the land is being put to?

Hon. Mr. McCague: Maybe it might clarify as to what use; as I understand it, we're buying the property for Ontario Hydro. If it's necessary to buy the full property, as I said, we will do that. Otherwise, it will be kept by the government as part of the parkway belt.

Mr. S. Smith: Will the minister undertake to table the agreement and a list of what property was purchased and what portion of it was used by Hydro?

Hon. Mr. McCague: Yes, if there is an agreement.

Mr. Lewis: By way of a supplementary, if there isn't an agreement to the minister, surely there will be some piece of correspondence or memorandum fixing this transaction or exchange, since it is public money. Can he table that document?

Mr. Conway: Ask the Treasurer.

Hon. Mr. McCague: If it's an agreement, I will give it to the Leader of the Opposition. If it's an exchange of correspondence, I will give it to the leader of the third party.

Mr. Lewis: Thank you very much.

Mr. S. Smith: Will the minister share either with both of us, please?

Mr. Lewis: The hon. member can have mine.

Mr. MacDonald: Table it, and we'll all have access to it.

AVIATION SAFETY

Mr. Lewis: May I ask the Minister of Transportation and Communications a ques-

tion? Is he at all familiar with the study of air traffic, particularly in northwestern Ontario, that has been carried out, apparently, for the federal government, with the designation of a remarkable range of serious hazards for the air traveller in northwestern Ontario? Is it his intention to act upon the information that is now emerging?

Hon. Mr. Snow: I'm sure the hon. member realizes I have no authority to act officially in any way relating to air regulations. This is one area that is the total responsibility of the Minister of Transport of Canada. I did request in a letter to Mr. Lang on two occasions that the minister carry out a review of aviation safety matters in the north, and really in general, but especially in northwestern Ontario.

I believe my colleague, the Minister of Northern Affairs (Mr. Bernier) also asked that an inquiry be carried out the first time. Then at a following date, I wrote another letter to Mr. Lang and at that time got a reply from him stating that he would be having a review of aviation safety matters in northwestern Ontario which, I trust, was this report that I have not seen. Whether I will have an opportunity to see it or not, I probably would not have expected to see it unless Mr. Lang decides to send me one. I have not seen the report, only what I have read in the *Globe and Mail* this morning.

Mr. Lewis: By way of supplementary: Since the provincial Minister for Northern Affairs seriously contemplated at one point holding our own inquiry into problems of air travel in the north because of what was emerging, can the minister on behalf of this Legislature undertake to request the report when it is available, obviously imminently, and will he be prepared to name names? Will the minister be prepared to tell the Legislature, and therefore the public, the offending airline companies and charters and the risks and hazards that they apparently demonstrate?

Hon. Mr. Snow: Mr. Speaker, I will be most interested in reviewing that report if I am able to obtain one.

Mr. Reid: Try the *Globe and Mail*.

Hon. Mr. Snow: If the report is made public, of course I presume the information within that report will be there.

Mr. Lewis: It won't be made public, but the minister can get it.

Hon. Mr. Snow: Now, as I say, I haven't had an opportunity this morning, since hearing of this report, to review the matter at all with my officials or to review what our legal position in Ontario is regarding a matter that is totally federal jurisdiction.

Mr. Reid: Supplementary: Would the minister not agree that since he requested the inspection in the first place, he should be privy to the results of that inspection? Would he also not agree that it's in the public interest that the people who have offended against air traffic safety should be named—as well as those who haven't, who are being tarred with the same brush as those few who have been violating the regulations?

Hon. Mr. Snow: Yes, I would agree with that position, Mr. Speaker. As I say, I have not received a copy of the report. I will ask for one. Whether I will get it or not will remain to be seen.

Mr. Lewis: You will get it.

Hon. Mr. Snow: But I do agree that the excellent safety-minded operators are put in the same mix with the few—or maybe more than a few, I don't know—who may not be operating under the present air regulations. If unsafe practices are being carried out, then I think those should be made public.

Mr. Foulds: Supplementary, Mr. Speaker: I would like to ask the minister why he seems to indicate that the chances of his getting the report are so slim, when in northwestern Ontario in particular he has made a particular point of stressing that his request would be for a ministerial investigation? If there seems to be any obstruction on the federal part, does he not think it now time for his ministry and him and his cabinet to put every pressure possible on the federal government to call for a full public inquiry into air safety in northwestern Ontario, in that so much of the traffic in the northern part of the province requires air carriers where norOntair service does not run and where there are no highways?

Hon. Mr. Snow: Mr. Speaker, I am the first to agree that I, along with others, requested Mr. Lang to initiate a review of air safety matters following certain accusations—certain information that's come out at one or more inquests, and after several serious and fatal accidents in northern Ontario. Unfortunately, we have had aviation accidents in southern Ontario and other parts of Canada as well.

[2:30]

I believe Mr. Lang was quoted in the press as saying there was no evidence to indicate a higher degree of accidents in northwestern Ontario than anywhere else. Today we read an article which quotes figures that would seem to contradict that statement made by Mr. Lang. I certainly feel it is necessary, one

way or another, to get to the root of this problem.

Mr. Foulds: Supplementary: Does the ministry still have agreements with private air carriers in northern Ontario to operate at least part of the northern service, and does the minister not think it is essential for his ministry to get the names of those carriers named in the report to ensure that the carriers it has contracted with are not among those included in those having unsafe flying practices in northwestern Ontario?

Hon. Mr. Snow: The contracts with the private carriers are between the Ontario Northland Transportation Commission and those carriers. That commission now reports to my colleague, the Minister of Northern Affairs. To my knowledge, prior to that responsibility being transferred there were contracts with four private carriers. Certainly nothing that has come to my knowledge indicates those carriers are involved, but I certainly will try to ascertain that information.

MINERAL EXPLORATION

Mr. Lewis: I have a question of the Minister of Natural Resources, since he has been waiting for one and wants it badly. Would the minister like to clarify for the Legislature, since the reports were a little confusing, what exactly the licence is that has been given to Prospection Limited or something like that for, I gather, the exploration of the mineral resources, perhaps uranium, in a very large acreage of northern Ontario? In the answer, could the minister indicate, given the public concern obviously about northern Ontario development, why this was never made public as a kind of natural announcement just to let us know what was happening?

Hon. F. S. Miller: I am not sure the latter is true, to begin with.

Mr. Lewis: Oh? Maybe I don't remember it.

Hon. F. S. Miller: All Crown lands in the province may be prospected without permission by any licensed prospector, unless the ministry has removed those lands from prospecting by a deputy minister's order.

About a year ago, Prospection Limited, which is a Canadian-owned company according to my information—or at least has had three Canadian directors since 1961—evidenced an interest in a relatively large area up there. Because of the need to do a fair amount of heavy investment in the overall area, they asked if they could use a clause of the Mining Act which allowed them to have

exclusive rights to prospect for a period of time.

After many months of negotiations, that licence was granted for a charge. As the member knows, there is no charge for non-exclusive prospecting. In the meantime, a number of talks were carried out. We did the unprecedented thing of sending our staff north to talk to the Winisk and Attawapiskat bands prior to any agreement with the company.

Mr. Lewis: Why should that be unprecedented?

Hon. F. S. Miller: It has never been done before in the sense that the action of the government has been to grant such licences, if—

Mr. Lewis: Just do it and the hell with it.

Hon. F. S. Miller: —as by the way government should do, the government decides pro or con to issue a licence. In this case, we did send staff along with members of the company to both Winisk and Attawapiskat to obtain their opinions. One band did not favour it after a long discussion; the other band did not object. We then went through a long discussion with the company as to the terms of the prospecting licence. We ensured that pages of information—they're available, the member may have them—of requirements to protect the environment during the prospecting phase be followed and that the conditions for any potential future mining lease be spelled out. We advised Justice Patrick Hartt of these and sent him a copy of them.

I believe that we touched all bases in so far as we could. I'm happy to say one thing: I have a memo from the company which, if it's true, indicates something I'm pleased to see. It relates, "The headquarters for the operation has been in two locations—Attawapiskat and on Sutton Lake. We have been able to hire a number of local Indian people. We have had excellent co-operation between the company and the community during this summer's prospecting, which has mainly been by helicopter, taking sedimentary tests around the area and, I believe, doing the testing in Attawapiskat in a laboratory set up there, rented from the band."

So I think we've tried very hard to meet the requirements of discussion. Certainly we received some objections—I'm sure you know about these—from Chief Andrew Rickard.

Mr. Lewis: Supplementary: Since this obviously has some very important significance about it, beyond the cultural and ecological matters—the minister said it was several

months in the making and involved a lot of discussion—is it possible for him to table the agreements which he reached with the company and to let us take a look at the data? When exclusive licences of this size are granted, would it be possible to make some kind of public declaration of the government's intent so that it doesn't emerge by happenstance later on?

Hon. F. S. Miller: I can say yes to both. First of all, quite honestly, I'm pleased to table the agreement with the company. Secondly, it's interesting that in early April, well before it was to be signed, we contemplated a press release. I was the new minister of the day. I must admit I don't believe I was involved in it. Generally, my style is to go public on these kinds of things. I have no problem in saying that where major exploration licences are being contracted, I'm glad to have them public.

I think it should be pointed out that although the company has the right to look at a good deal of land—1.235 million acres of the James Bay lowlands—it can only operate on 10,000 of those acres, even if it found material over them, under the terms of the agreement. In other words, each year it must give up one third of the land based upon their exercise and concentrate on the remaining two thirds and then, finally, on the remaining third.

They must also spend a half a million dollars per year on the exploration during that period of time for their licence to be valid.

Mr. Reid: Supplementary: Could the minister indicate who the people are behind Prospection Limited; who the major stockholders are and where they are located? Also, is it common practice, when someone approaches the minister in regard to a situation like this, for his ministry to do a survey or investigate the background of the company or companies, especially in a situation of this size?

Hon. F. S. Miller: Mr. Speaker, on the one article I read over the weekend—I'd be hard pressed to say it was inaccurate. But I thought it was misleading, to say the least.

Mr. Lewis: That may be inaccurate.

Mr. Reid: This is your chance.

Hon. F. S. Miller: It sounded as if everything was under the table, hidden et cetera, and that some major foreign company had made a deal with my ministry. First of all—

Mr. Foulds: It's happened before.

Hon. F. S. Miller: —according to the information I have, Prospection Limited is

registered in Ontario, has three directors, all of one family, who have owned it, according to my records, since 1961.

Don't forget that prospecting per se, as the members well know, is a business all by itself. Prospectors very often are working in the hope of finding something saleable.

Mr. Reid: In the hope?

Hon. F. S. Miller: In the hope—not of developing a mine, but of finding something that they can sell to an organization that can develop a mine. Those companies are really one of Ontario's basic industries. We export prospecting capabilities around the world.

This company has done that. It has operated in many spheres. But it is an Ontario-based and, as far as I know, an Ontario-owned company. Whom they are intending to sell any rights they may find, or whom they may have had some advance dollars from we would have to find out from the company itself. But currently, like most prospectors, it is an Ontario company.

Mr. Foulds: Supplementary, Mr. Speaker: I wonder if the minister would mind clarifying the formula he outlined a moment ago when he said the company was granted rights to 1.235 million acres, had to give up a third each year, but could retain 10,000 acres. Could he clarify that?

Secondly, does not the granting of such an exclusive prospecting right under the Mining Act amount to giving the company staking and filing rights? Can the minister indicate to us if any actual claim staking and filing of those claims has taken place?

Hon. F. S. Miller: As I understand it, and I would have to double check the rules of staking in the province, they wouldn't stake during that period of time because in effect no one else can lay claim to the land while they pay for that exclusive privilege.

We have a couple of advantages in this kind of agreement. First, we are paid for the privilege of prospecting; otherwise we are not. Secondly, we were able to set a whole series of environmental rules on the actual exploration; again something we normally can't do. So we had certain advantages in having an agreement with the company. Thirdly, we defined the maximum area out of that 1.235 million as 10,000 acres that would be eligible for development purposes.

When I table this particular information the member can look at it. It says the lessee shall return one-third of the area at the end of the first year. In other words, area they have assumed not to have found anything worthwhile in. So they do a broad sweep

and then start concentrating on those sections which appear to be most likely. The only thing I can say at this point in time is that they are cautiously optimistic at the end of the first summer's operations.

Rather than give the member the details of the one-third/one-third/one-third, let me pass him the copy when it is filed.

[Later]

Hon. F. S. Miller: May I correct an error of fact before I table my report? I said one-third was surrendered each year. It's 50 per cent at the end of the first year and 50 per cent of the balance at the end of the second year, that has to be surrendered.

DISABILITY ALLOWANCES

Mrs. Campbell: Mr. Speaker, a question of the Minister of Community and Social Services. In view of the minister's comments on the television program Ombudsman, will he tell the House exactly what he plans to do about the disability allowance for the mentally retarded as bureaucratic delays now ensure that they must wait up to one year after their 18th birthday when they become eligible before actually receiving the allowance?

Hon. Mr. Norton: Mr. Speaker, I am not sure that I followed entirely the question of the hon. member. If she is suggesting that the current regulations require a waiting period of that length of time, that is not correct.

Mrs. Campbell: No. The bureaucratic delays.

Hon. Mr. Norton: There may be very exceptional cases where there are delays extending up to several months. But I personally am not aware at this point of any that have extended for a period of a full year.

As I indicated in the remarks to which the hon. member referred, I am proposing the regulation be amended so as to change the date of eligibility. At the present time the regulation provides that the recipient may be paid from the date on which the ministry staff have all of the information which would enable them to make a decision as to eligibility.

It has come to my attention that in many instances the delay is not the result of any default on the part of the applicant or the family of the applicant, and often not on the part of the ministry either, but there are other players and in some cases there have been several months' delay in the receipt of the necessary medical or psychometric assessments. What I am proposing to do is to

have that regulation changed so as to provide for the payment from the date of the application, as opposed to the date on which we have the information to make the decision—in other words, to provide for a period of retroactivity to that date.

[2:45]

Mrs. Campbell: Supplementary, Mr. Speaker: Would the minister at the same time give consideration to permitting these applications to be entertained prior to the applicant's 18th birthday, since one of the major problems has been that they have not been accepted prior to the 18th birthday, and then delays occur after the applicant has become eligible.

Hon. Mr. Norton: If the hon. member knows of any specific cases where the applications have been rejected prior to the 18th birthday, I would like her to bring that information to my attention because, quite to the contrary, I know of a number of applications that have in fact been received within a matter of perhaps a month or two prior to the 18th birthday and the procedure has been begun before the 18th birthday. If there have been failures there, I would like to know about them.

Mr. Lewis: Supplementary, Mr. Speaker. I see enough of the minister in here so I don't watch him on television, but I hear about him. Therefore as a direct supplementary I would like to ask: Why does the minister permit the continuing distinction between the physically disabled allowance and the permanently unemployable allowance—that is GAINS and the permanently unemployable—particularly in an area like this where it is so invidious, discriminating and offensive? The minister must understand that and appreciate it.

Hon. Mr. Norton: Mr. Speaker, I understand that it is very difficult to explain to a recipient the distinction.

Mr. Deans: Because there is no distinction.

Mrs. Campbell: What's the distinction?

Mr. Breithaupt: Try it with us.

Hon. Mr. Norton: As I have indicated to the hon. members opposite at every opportunity in the estimates and elsewhere, that is a change that I would like to see made. But I hope the hon. members also will bear in mind that that is a complicated matter to change, in so far as the payments to the recipients under those programs are subject to the federal-provincial agreements under CAP.

Mr. Martel: We have been sharing that for years.

Mr. Lewis: Why don't you start with the retarded?

Hon. Mr. Norton: The reason for the distinction at the present time—a distinction that doesn't exist in all jurisdictions, I admit, but in most of those jurisdictions lower amounts are paid on universal basis—was that a few years ago in this province we tried to seek increased assistance for those who were more severely disabled. Therefore, in fact for some period of time a portion of that was paid 100 per cent out of provincial funds because the federal government refused to cost-share it. We finally have reached the point where the federal government is prepared to cost-share up to that amount. They will not unless we can establish that there is a higher degree of disability, and for that reason, we must rely upon medical evidence—

Mr. Lewis: You should not be a party to that.

Hon. Mr. Norton: —and there are great discrepancies, perhaps, in the medical evidence. I would dearly love to be able to wipe out that distinction tomorrow. If the member can explain to me how we can and still receive assistance from the federal government, I would be delighted to.

Mr. Lewis: Go it alone. Go it alone.

Mr. Speaker: Order, please. I would just like to remind hon. members that we have now 19 minutes remaining in question period. That was the first original question, other than the two leadoff questions from the two leaders. If this is the way members want to handle question period, that's fine, but I thought I had a responsibility to draw your attention we have had one question from a member other than a leader and we have consumed 41 minutes of the question period.

Mr. Lewis: Did you include the point of personal privilege?

ATLAS STEEL

Mr. Mackenzie: In the absence of the Premier (Mr. Davis) I would like to ask the Minister of Industry and Tourism if he is aware of the widespread concern by employees of Atlas Steel in Welland over the possibilities of yet another federal government loan—this time to Cuba—to develop another stainless steel mill that could produce 50,000 tons of nickel-bearing stainless steel in a country that consumes only 4,000 tons, and of the concern expressed also by Atlas Steel's management over the expenditures of Canadian taxpayers' dollars in a project that can endanger more jobs in this country?

Can the minister inform this House as to whether or not his government has made representations to the federal government over this particular matter and state the nature of the representations?

Hon. Mr. Bennett: I'm not aware of the application of Canadian funds towards the development of a stainless steel plant in another country. May I inform the House and the member, frankly, that would likely be a deal that would be undertaken by a private concern in Canada with the technology and the engineering capabilities to develop a plant in another country. The loan is likely being arranged through one of the development corporations of the federal government.

There would not be, at this point in time, a discussion taking place with the government of this province. I shall take note of the member's remarks and have reviewed by the people of my ministry exactly who is doing it and what information is presently available to us.

Mr. Mackenzie: Supplementary: Could the minister at the same time inform the House as to who was involved in the Canadian consortium that carried out the technical and economic viability studies that recommended this project? Wouldn't the minister agree now would be the time for the government of the province of Ontario to intervene before we have another potential Inco situation on our hands?

Hon. Mr. Bennett: I shall take the remarks of the hon. member under advisement and try to get the information for him. Whether it's public information as to who is putting the consortium together is something I'll have to seek from the federal government.

PIPE PRODUCTION

Mr. Kerrio: Mr. Speaker, I'd like to direct a question to the Minister of Industry and Tourism. Is he aware of the fact that he has left some question in the minds of many people across Ontario as to the capability of fabricating pipe at Stelco's Welland Tube Works to build that pipeline on the Alaska Highway? Is he aware of comments made by Mr. Paul Hookings, manager of the Welland mill, as follows: "The heavy-walled pipe required for the high-pressure Alaska Highway natural gas transmission line has been produced and tested at the Welland Tubes Stelform mill of The Steel Company of Canada, Limited on Friday"? Is he aware that, "we know we can make it, we may not find anybody who wants to buy it," is the concern of one of the top officials at that plant?

Hon. Mr. Bennett: I do not believe I've left any misunderstanding in the minds of the people of the province of Ontario in what I've said about the technology being available in Canada, but maybe not in place at the moment. Last week I had the chance to speak with the president of Stelco in relationship to the potential of purchasing Canadian-made pipe for the pipeline being developed by the Foothills pipe line or transmission line people.

While it might be well to get into a full answer at this point, it's my intention later on this week, after having further discussions with a number of people in the steel works, with Mr. Horner and people at the federal level, to have a statement that will try to outline as specifically as possible details in relationship to the capabilities in Canada in the manufacturing of low- and high-pressure pipes, in the manufacturing in Canada of 48-inch versus 54-inch pipe and a great deal of further information we hope will be made available to us this week.

May I suggest to this House very strongly that we're not looking at a possibility of pipe purchasing in the next 12 months. The purchasing of pipe will likely come somewhere down the road after that period of time.

Mr. Foulds: Down the pipe.

Hon. Mr. Bennett: Yes, that's a good expression, down the pipe.

Mr. Nixon: The minister is going down the pipe.

Hon. Mr. Bennett: Mr. Speaker, I would like to say to the House we will try to come back with as complete a statement as possible. If I can interject only one remark made to me by people in the steel industry, at this moment there appears to be a great deal of talk taking place both in the provincial Houses of Canada and in the federal House relating to the pipe and the manufacturing of pipe. A great deal of it is in areas we are not likely—and I fully admit this and I think I said it last week—to be capable of discussing in their completeness because of technology that still has to be developed and because of certain things that must be designed in the specifications and detailed reporting as to what kind of pipe is going to be used on the transmission line.

That determination has not been made at this point, and there are a great number of reasons why it has not been made. Some of them are political and others arise from the very fact of the lack of capability to produce them, not in Canada but in the United States. I will not try to go any further on this question, I will bring into the House

later this week, I hope, a full statement on it.

Mr. Kerrio: Supplementary, Mr. Speaker.

Mr. Speaker: The minister has already indicated he will be bringing in a full report. It isn't as though this is the first time we've discussed it. We've done it at least four times in the last week.

Mr. Kerrio: My supplementary has to do with what he's going to bring to this House.

Mr. Swart: New question, Mr. Speaker.

Mr. Kerrio: May I pose the question?

Mr. Speaker: Final supplementary.

Mr. Kerrio: Thank you, Mr. Speaker. Would the minister please clarify what the pipe company has said, that they are not lacking in technology to manufacture the pipe; the lack of technology is in the transmission of the gas within the pipe? That point should be made clear to this Legislature.

Hon. Mr. Bennett: Mr. Speaker, I will include that in my statement. I think I said earlier that I will try to cover the entire situation as completely in the technical and manufacturing end of it as possible. I don't think I have left any misunderstanding in the minds of the people of this province.

Mr. S. Smith: You were wrong the other day. That's all.

Mr. Conway: It's on the record.

TEA AND COFFEE PRICING

Mr. Swart: To the Minister of Consumer and Commercial Relations.

Mr. Martel: The coffee man.

Mr. Swart: As it's now five weeks since I demonstrated to the minister that Ontario-produced coffee was selling at a substantially lower price in the US than it is in Canada—

Mr. Riddell: I thought he said a new question.

Mr. Ruston: Go down to Windsor. It's cheaper than in Detroit.

Mr. Swart: —and having read rather carefully the minister's subsequent statement on October 31 on coffee pricing, knowing it doesn't explain that issue or anything about coffee pricing, will he now tell the House why coffee produced in Ontario sells for 25 per cent less in the United States or didn't he even bother checking it out?

Hon. Mr. Auld: Produced in Ontario?

Hon. Mr. Grossman: Just to clarify some inaccuracies in the hon. member's statement, firstly I would question whether it's

five weeks since he established some of those facts to my satisfaction.

Mr. Swart: It's five weeks since I sent you those two boxes.

Mr. Warner: Moving right along.

Hon. Mr. Grossman: Secondly, what the hon. member means to say is why is it cheaper in Buffalo, not why is it cheaper in the United States. The member will agree with me on that.

Mr. Swart: No, in the United States. Canadian coffee in the States.

Hon. Mr. Grossman: In point of fact, if the member has been paying attention and reading some of the material that's available other than what he gets at the discount joint in Buffalo—

Mr. Foulds: Discount what?

Hon. Mr. Grossman: —he will find out that in some other cities—

Mr. Swart: It's Canadian coffee in the United States.

Hon. Mr. Grossman: —he will find out that the prices in the United States vary substantially.

Hon. Mr. Rhodes: Where do we grow coffee?

Hon. Mr. Grossman: The one thing that even the hon. member's analysis has shown—

Mr. Foulds: What do you mean, "even"?

Hon. Mr. Grossman: —is that the lowest prices in the United States, for coffee and a lot of supermarket items, are probably those in Buffalo. And just so the member's question will be accurate let's talk about Canada and Toronto versus Buffalo. Let's be accurate.

Mr. Martel: Now the answer.

Hon. Mr. Grossman: Secondly, if the member will recall, and I know he really wanted me to come down with a definitive statement so he could be satisfied that I had conducted an investigation and rubber-stamped the prices as either acceptable or not acceptable—

Mr. Swart: That's what you've done.

Hon. Mr. Grossman: —if he looked back he would see that we were very careful to point out that—

Mr. Swart: Sure, not to offend the companies.

Hon. Mr. Grossman: —I saw my role not as one to do something I didn't have power to do, that is, roll back prices, nor to send a select committee of the Legislature, the Swart committee—

Mr. Warner: Nor to protect consumers.

Mr. Mackenzie: Nor to do anything.

Mr. Warner: The minister of corporate protection.

Hon. Mr. Grossman: —to Brazil to find out whether there was a ripoff in Brazil, but rather, I specifically—

Mr. Warner: A great job.

Hon. Mr. Grossman: Relax boys. Rather, specifically I said our—

Mr. Martel: You are a continuation of Sidney Handleman.

Mr. Ruston: Drink milk. We've got a surplus of milk.

Mr. Makarchuk: He talks big and carries a wet noodle.

Mr. Speaker: Could we have some order?

Mr. Warner: We want to hear him resign.

Hon. Mr. Grossman: I said that what I would do is assemble some information for consumers upon which they could make some buying decisions as they saw fit. I did not undertake to stamp those prices as acceptable or unacceptable. If the hon. members think the role for the ministry is to investigate prices and report back that this is satisfactory to us and this isn't—

Mr. Warner: How about protecting consumers?

Hon. Mr. Grossman: —that's a position they can take. I never took that position. What I said was, "I will see if there is—"

Mr. Samis: Good luck to the activists.

Hon. Mr. Grossman: —some information that consumers don't have that we can get." Specifically, I want also to remind the hon. member that I said I was asking the retailers and wholesalers to do one of two things; either explain the differential as best they could or change the prices accordingly if they couldn't explain it. They gave us an explanation which may satisfy the hon. member—

Mr. Swart: No, it doesn't.

Hon. Mr. Grossman: —it may satisfy me, it may satisfy the Minister of Correctional Services (Mr. Drea).

Mr. Warner: It doesn't.

[3:00]

Hon. Mr. Grossman: Or it may not. It's up to the consumer, on the basis of the information that we were able to glean for the consumer, to adjust his or her buying habits accordingly. I might add, partly as a result of the entire exercise, consumers did adjust their buying habits and, accordingly, the prices showed some downward turn and they are staying that way.

Mr. Swart: May I ask, would the minister not consider that it is his responsibility to give protection to the consumers? In view of the

fact that he did not investigate the relative price of Canadian coffee being sold outside of the country and what it had been sold at here, could I now make him aware that Sandra Coffee Company in Ajax produces Valuplus coffee for Mother Parker's in Toronto, which in turn sells it wholesale in the United States through Peter Schmitt Ltd., a branch of Weston's, Bell's and Twin-Fair supermarkets, which retail it at \$2.49 compared to the same coffee sold here in Loblaw's, also a subsidiary of Weston's, for \$3.49?

Mr. Warner: That's consumer protection.

Mr. Swart: Doesn't the minister think he should have another look at this matter if he has any conscience at all for the Ontario consumer?

Hon. Mr. Grossman: Mr. Speaker, I'll tell the hon. member what I deem as having a conscience in terms of the Canadian and Ontario consumer, and that is not to stand up every time there is a price differential, as indeed there is on all goods throughout the economy, and suggest that all the government has to do is roll down the price or go to Buffalo and conduct an investigation—

Mr. Makarchuk: We don't expect you to stand up every time. We expect you to stand up at least once.

Hon. Mr. Grossman: —so that the Ontario consumer can be assured that, in every instance, he's not paying more than they're paying in the United States. The member knows as well as I that there are an infinite number of products, most products, whether they be in the food industry or other industries, that cost more in Canada—

Mr. MacDonald: We're talking about coffee.

Mr. Swart: Canadian coffee, yes.

Hon. Mr. Grossman: —and there's a lot of reasons why they do.

Mr. MacDonald: Why? Name one.

Hon. Mr. Grossman: Where the member has a specific item and he doesn't want to take some steps to say to the suppliers of those items, "Can you tell me, the member for Welland-Thorold, what your side of the story is so that I can tell consumers?" he doesn't want to do that because he doesn't want to talk to the guy, I would be pleased to help Ontario consumers, but by doing what the member doesn't want to do, and that is write the suppliers and say: "Look, here's a gap, what do you say about it?"

Again, I'm not going to roll back prices. That is not my job.

Mr. Swart: You are the minister.

Mr. Warner: What is your job?

Hon. Mr. Grossman: If the member thinks it should be, argue that case. I will get the information from the suppliers. I will not pass judgement on it. It's up to the suppliers to do what they can.

Mr. Foulds: You won't pass judgement on anything.

Hon. Mr. Grossman: Listen, that's the easy role the member has. He can play hero to every consumer—

Mr. Speaker: The hon. minister has already answered the question.

Hon. Mr. Grossman: We'll be responsible.

REFORESTATION

Mr. Conway: Mr. Speaker, my question is to the Minister of Natural Resources. I wonder whether he can share with us this afternoon whether or not his ministry is undergoing a reorganization to give the forest regeneration policy the priority it deserves? Are there reorganization plans under way? If so, what are they?

Mr. S. Smith: Two trees for one.

Hon. F. S. Miller: Mr. Speaker, in fact there is a reorganization under way, yes.

Mr. Reid: When was the last one?

Hon. F. S. Miller: Five or six years ago. This is a step taken to do two things. First, the field organization does not change in any meaningful way. There will be slightly different duties assigned to our deputy regional directors, but apart from that the field organization remains in place.

We have had of late a number of retirements from the ministry and, following general provincial guidelines, we have limited or cut our numbers of directors by 10 per cent. Therefore, we have reorganized to accomplish that reduction of 10 per cent in key overhead staff.

Mr. Reid: There are too many overhead staff.

Mr. Conway: What then can the minister tell us in policy terms that he intends to do specifically to implement the renowned commitment from the charter that, in fact, two trees will be planted for every one cut? What's under way at this point?

Hon. F. S. Miller: Effective about May 15 we transferred a senior person to that duty and to that duty exclusively for the balance of his working time within the Ministry of Natural Resources, which is estimated to be 18 months.

Mr. Nixon: He is out there with a shovel, is he?

Hon. F. S. Miller: That person has no other duties but to implement the decisions of the Armson report as amended by the ministry. Just last week, I spent two days with the British Columbia forest service studying their methods of tenure. I learned a great deal from them, in the past as have my staff. I can assure the member that is my number one priority and it is making good progress.

PRICES AT HIGHWAY SERVICE CENTRES

Mr. Samis: Mr. Speaker, my question is for the Minister of Transportation and Communications. It's the updating of an old question brought up by our former colleague, the member for Kent-Elgin (Mr. Spence). Can the minister tell us what price monitoring his department is doing on gas prices on Highway 401, and can he tell us if he's satisfied that the prices are reasonable and do they accurately reflect the cost involved?

Hon. Mr. Snow: Mr. Speaker, I haven't had any report on monitoring of the prices recently. I did announce in this House last spring a new policy and an adjustment in the leases of the operators, and the prices did decrease substantially at that time. I will ask my staff if they have any up-to-date figures since then.

Mr. Samis: Supplementary, Mr. Speaker: In view of the fact that the leases were renegotiated and in view of the fact that in Belleville—when comparing neighbouring service centres—the difference in price is 17 cents a gallon, in Kingston 14 cents a gallon, and in Cornwall 17 cents a gallon, would the minister not consider those price differences excessive, if not verging on a ripoff? Would he investigate those differences?

Hon. Mr. Snow: Mr. Speaker, they do seem somewhat excessive but I would have to say that in my own community I have two service stations within a mile and there's about a 10 cent differential there, and neither one of them is on Highway 401.

Mr. Nixon: Supplementary: Is the minister aware that the Highway 401 service stations blame the terms of the government's lease for this extraordinary differential, and that in fact it's the amount of money that comes into the provincial Treasury that is, in their words, responsible for this large additional cost that the travellers on 401 must pay?

Hon. Mr. Snow: With all due respect, Mr. Speaker, I don't care whether they blame the government or not. When those service station contracts were awarded on land owned

by the ministry, tenders were called amongst the major oil companies to bid on the terms of the contract for them to construct their own building and to operate a facility meeting certain standards, which meant that they had to operate 24 hours a day; and they had to supply certain other services. Then the contract was awarded to the company offering the highest bid. As the rate they pay is a percentage of sales, the very large increases in the cost of fuel automatically increased our revenue, because we were getting that percentage on the extra 10 cent federal gasoline tax plus the cost of the oil from the wells. So when we renegotiated those contracts, we removed that percentage from those extraordinary costs so they are basically going back to the prices they tendered. If they are paying too much it's because they tendered too high.

Mr. Speaker: The time for oral questions has expired.

ORDERS OF THE DAY

VILLAGE OF PORT McNICOLL ACT

Mr. Maeck, on behalf of Mr. G. E. Smith, moved second reading of Bill Pr5, An Act respecting the Village of Port McNicoll.

Motion agreed to.

Third reading also agreed to on motion.

CITY OF OTTAWA ACT

Mr. Breithaupt, on behalf of Mr. Roy, moved second reading of Bill Pr14, An Act respecting the City of Ottawa.

Motion agreed to.

Third reading also agreed to on motion.

CONCURRENCE IN SUPPLY

Resolutions for supply for the following were concurred in by the House:

Office of the Lieutenant Governor.

Cabinet Office.

OFFICE OF THE PREMIER

Mr. Gaunt: Mr. Speaker, if I may just say a word about concurrence for supply for the office of the Premier: My colleague from Ottawa East (Mr. Roy) wondered if there could be some time set aside for this concurrence, in view of the fact that he wasn't able to raise some matters with the Premier during committee consideration.

We have in our committee an additional 17.5 hours; so I raise the point with you, Mr. Speaker, and ask if the House leaders

could concurrently agree to set aside some time to accommodate my colleague in this regard.

Mr. Speaker: We will leave that order on the order paper then.

House in committee of supply.

ESTIMATES, MINISTRY OF THE ATTORNEY GENERAL (concluded)

On vote 1306, courts administration program; item 1, program administration:

Hon. Mr. Welch: Mr. Chairman, if I may be permitted at this point, it is my understanding that there has been some agreement to conclude these estimates by 5 o'clock, and that we would then take into consideration the estimates of the Ministry of Consumer and Commercial Relations. I thought it might be wise at this point to have that on the record.

Mr. Breithaupt: Yes, Mr. Chairman, that is our understanding, that even though the Attorney General's estimates might be concluded in perhaps an hour or so less than the time allotted, we are quite prepared to attend to that so the Attorney General may be inconvenienced for a meeting with the Prime Minister of Canada.

Mr. Lawlor: Yes, just a word on it. As a matter of fact, I think we may release him from dunning and drudgery long before then.

Hon. Mr. Welch: Mr. Chairman, in that case the Minister of Consumer and Commercial Relations awaits.

Mr. Foulds: Without.

Hon. Mr. Welch: With.

Item 1 agreed to.

On item 2, Supreme Court of Ontario:

Mr. Foulds: I wonder if the Attorney General could indicate to me how many judges there are currently in the Supreme Court of Ontario, and how many of them are inoperative because of illness, royal commission appointments, other duties that take them away from the bench, or any other reason?

Finally can he tell me why the Supreme Court assizes scheduled for October in Fort Frances were peremptorily cancelled when there was evidently a judge prepared to go there? There were five cases prepared to be heard, one of which I gather has been outstanding since 1971.

Whether or not the information in Fort Frances that the judge was ordered to stay in Toronto to hear cases is true, doesn't that speak to something? Surely it is just as important for the Supreme Court cases to be

heard throughout the province, and particularly in what I believe are called county towns or district towns, such as Fort Frances. Surely that is a thing that must not be condoned.

[3:15]

Hon. Mr. McMurtry: In reverse order, I can't speak specifically as to why those specific sittings were cancelled. If the member would like, I will attempt to obtain that information and so advise.

I must confess that I think there is a problem here with respect to the Supreme Court assizes. I really think we're going to have to get into some form of regionalization in order to alleviate that situation. As a matter of fact, I am requesting Mr. Williston, whom I commissioned just under two years ago to review the rules of practice in order to simplify them, to add to his plate the concept of regionalization of the Supreme Court of Ontario. This would be to try to remove certain problems that have developed when these sittings are cancelled or when they're just not completed or when there are cases left. I can say that I am not happy with the present situation at all.

With respect to the number of Supreme Court judges, it's a timely question because there was an editorial in the Star today that contained a number of factual errors but was similar to the question. It raises the issue of delay of a certain case because of the alleged unavailability of a trial judge.

In the two years since I have been the Attorney General we have increased the size of the trial division of the Supreme Court of Ontario by close to one third. It will now be up to 41 judges with the legislation that we passed in this Legislature a few weeks ago—when those additional four judges are appointed and the Minister of Justice has been so advised and is considering these four additions.

With respect to the number of judges who are involved in other activity, there is, of course, Mr. Justice Hartt and the Hartt commission. Coincident with his appointment, we increased the size of the Supreme Court trial bench by a judge, knowing that he would be detached from it for some time. We have Mr. Justice Hughes on the waste disposal inquiry.

I'm not sure—I think those are the only judges that are not active in their duties. We had a judge, Mr. Justice Wright, who took very seriously ill and has resigned. So the Supreme Court bench, as I say, has been increased quite substantially during that pe-

riod of time. But I think the points that are raised by the member for Rainy River is—

Mr. Foulds: No, the member for Port Arthur.

Hon. Mr. McMurtry: I'm sorry, for Port Arthur. I was thinking of our friend Pat Reid, who has talked to me about similar problems in his area—

Mr. Foulds: It is his area I am talking about—Fort Frances.

Hon. Mr. McMurtry: Yes—that are very relevant to our problems. I have just indicated the initiatives that we are taking to try to meet them.

Mr. Foulds: Just to follow up on that, and getting the assurance from the Attorney General that he'll get me the specific information that I asked about, it did seem to me to be ironic that in previous days' debate we were talking about trials folding because of lawyers not being prepared to proceed with cases. Exactly the reverse occurred in October in Fort Frances where, from my information at any rate, the lawyers on both sides of the cases in each of the five cases were prepared and anxious to go ahead and it was cancelled somewhat suddenly—with, I think, only a week's notice, if that. That does seem to me to be a great injustice, because the quickness of justice, I think, is important too in the outlying areas of the province.

Mr. Bounsall: Under the policy vote in this section, I would like to draw the attention of the Attorney General to a matter which we discussed in his office at one point with respect to another case, that is the speed with which his staff follows up and that there should be a good follow-up and a continuous follow-up on the reciprocal arrangements we have with various states on child support. I believe last February I mentioned to the Attorney General a case in the Michigan court. My point was then and is now that if these reciprocal agreements are to be worth anything, then there must be regular follow-up from the staff in his ministry to ensure they are carried out.

Quite briefly, I want to indicate in another case—this one with the state of California—my concern about the follow-up which took place and to give an illustration of the lack thereof for some months with the hope that the Attorney General will see that the particular office charged with following it up does a better job than it has done in the past.

Into my constituency office last August 12, 1976, came a complaint from a Joy Boorn that her separated spouse had fallen some \$533

behind in child support payments. They were various payments in the months of March, May and June. On May 18, 1976, her lawyer had written the Los Angeles court and got no reply. Towards the end of the month, this information about it having come in around the middle of the month, I contacted Mrs. Boorn and got all the details of the arrearage and of the work that had taken place.

On September 1, having sorted out all the details, I wrote a letter to Mr. Ken Booth, who is the senior staff person in the ministry who looks after the reciprocal agreements, giving him all the details of the arrearage and the amounts, urging him that the reciprocal agreements Ontario has with California be followed up as quickly as possible and that the husband, Charles Leslie Boorn, be brought before the Los Angeles court as soon as possible with a view to regularizing his payments as well as collecting the arrearage. On September 7, Mr. Booth wrote to the district attorney for Los Angeles county requesting that action and enclosing a copy of my letter of September 1.

In my contacts with Mr. Booth I have had no problems whatsoever in having him do something. My concern, having sent that letter out, is that if that reciprocal agreement is to operate effectively, follow-up should take place immediately.

Two and a half months go by and the only thing that occurs in these two and a half months is that one half-monthly payment is made by Mr. Boorn from California. There is no reply to Mr. Booth from Los Angeles and no other indication that Mr. Booth has jogged the memory of the people in Los Angeles.

Finally, on November 30, I wrote Mr. Booth, urging him to ensure that the matters in hand get into court down there. I had heard nothing since my letter to Mr. Booth of September 1 and receiving a copy of his letter of September 7. Quite dutifully, on December 3, Mr. Booth again writes the court in Los Angeles.

My concern is that surely there must be some mechanism to hurry these things along. If one doesn't get a reply within a month to this office in your ministry a follow-up should take place. September 7 was the first time Mr. Booth wrote. The next time was December 3 and that letter went out in response to my urgings in my letter to him of November 30.

As a result of the December 3 letter going out from Mr. Booth, Los Angeles court does reply on December 31. A Mr. Herbert Jacobowitz, the acting director of the Bureau

of Child Support of the office of the District Attorney, county of Los Angeles, acknowledged the arrearage and said that his office was going to process a contempt citation. That copy of that letter to Mr. Booth was sent to me and I duly passed it on to my constituent and it looked as if some action was being taken.

Another two and a half months went by and absolutely nothing happened. And this is my point: Nothing happens. Having gotten that letter of December 31, something should happen, I feel. When I took the next step, I wrote a somewhat angry letter to Mr. Booth on April 25, 1977. I just want to quote, if I could, Mr. Chairman, one paragraph:

"It appears to me that our whole system of reciprocal agreements is either falling apart or has been set up such that they were never intended to operate properly in the first place. It takes months it seems to achieve anything or even hear anything, let alone achieve restoration of regular support payments. Would you light a bomb under somebody with respect to this case or advise me as to where I may best throw my bomb so that results are achieved?"

In reply to that on May 18 another letter went out from Mr. Booth and another one went out unprompted on June 10. As far as I can see in my files, there was no reply from Los Angeles to either the May 18 or the June 10 letter. Your office can't be held accountable for no replies to Mr. Booth's letters of May 18 and June 10 sent in response to my letter of April 25.

I wrote the letter on April 25 and on April 27 a letter from Mr. Booth's office went to Mr. Jacobowitz and again, unprompted as I say, Mr. Booth sent letters out on May 18 and June 10.

That's the kind of follow-up I would hope would continue to take place on a regular basis. There were no replies to those letters.

And finally, on June 21 I phoned the appropriate person in Los Angeles, and followed it up with a letter, a copy of which I sent to Mr. Booth, indicating the results of the phone conversation which was a commitment by the Los Angeles court to put her on the docket. I actually phoned on June 20 and could not make connection but indicated the file under which I was interested. When I finally connected on June 21, they had put her on the docket. They said they may not get the person into court within perhaps 75 days, that being their length of time to get an open date on the docket but also a commitment that if an

open space came up in that period, they would put them on.

I confirmed what they had told me in a letter to them the next day, June 22, of which Mr. Booth got a copy. On June 24 from Los Angeles I got a letter—they wrote to the ministry here indicating that same thing.

Here again, at this point, having made the personal contact and having got her name placed upon the docket, I would have thought things were charging along.

[3:30]

Finally, getting into court: I decided that I would do nothing until I heard that the case got before court, because really the office in your ministry should be doing the follow-up. They had dutifully supplied me with their copies of the letter and any letters that I had sent down to them independently and certainly the contents of the phone call which I had made.

I confidently expected to hear shortly exactly when the person was getting into court. I had asked Mrs. Boorn if, at the first instance she heard, she would phone me. Dutifully on November 21 she phoned to say that she'd received the letter indicating the court hearing would take place on December 14. But in that period from June 24, in which the Los Angeles county district attorney had written to indicate that in 75 days, hopefully, they would have Mr. Boorn into court down there, nothing again went forward from the office in your ministry charged with seeing that this should happen.

So finally we have a court date of December 14. The arrearage is now slightly in excess of \$4,000. Mrs. Boorn, who has custody of the children, is a working person and this \$4,000 is rather critical to her existence. I know one can't control how quickly the courts in another jurisdiction respond in getting a court date set and so forth. But my concern is that there was a two and a half month delay in which your section of the ministry charged with dealing with reciprocal agreements did nothing last fall to ensure that the case got speeded up. It was the same about two and a half to three months the past winter between January and April, when I again wrote. There was some follow-up quickly on that, but you would hope something would have occurred between June 24 and mid-November when the court down there finally sent a letter. The letter was received on November 21 and indicated a court date in December.

I would urge the Attorney General that a practice be instituted in that division so that

there is monthly follow-up with the courts in these other jurisdictions over these reciprocal arrangements. You could ensure that they are continually jogged, or from time to time that a phone call be placed, even if it's to California. You could tell them a case has been down there three months, four months, six months, whatever it is and do they have a court date yet.

Does the minister not agree that that would be a reasonable way to proceed? Would it not ensure that you don't have, as in this case, 15 months-plus between the time it was initially brought to Mr. Booth's attention before this person gets into the courts in Los Angeles, with three periods of two and a half to three months in which nothing is heard and no follow-up is done by that particular division?

Hon. Mr. McMurtry: I think, as the member appreciates, these reciprocal enforcement and maintenance matters to a very large extent were in the hands of a foreign jurisdiction. I suppose the only sanction we have ultimately is to cancel the agreement. I was under the impression that there was a regular follow-up mechanism through our own ministry with respect to the reciprocal orders and that there would be some communication back and forth. I think all I can do in this case and in relation to the others, is to check with Mr. Booth to ascertain just what the details of the mechanism are, and to advise the member accordingly.

Mr. Bounsall: If I could just comment on that, whenever I've talked to Mr. Booth he's been quite agreeable and done something immediately. My point is, what would have happened, since the last correspondence between Mr. Booth and myself was in early December of last year with finally a reply from the Los Angeles court on December 31, if I had not written again on April 25 and Mr. Booth then sent off three letters over the next six weeks? What would have happened?

I feel that I shouldn't always have to be the person who initiates letters going from this division to the court in whatever state is responsible for the case. There should be within your ministry a mechanism which checks up on this on a regular basis and it shouldn't have to come about, each time some two and a half months apart upon urging by myself. One urging, a very angry letter on my part, did result in three letters going out over a course of six weeks, but they then stopped. As yet another—what is it?—from the end of June through to November 21 took place; yet another bit of correspondence in that time. I think a simple letter on a regular basis, asking: "What are you doing now?" to those

appropriate jurisdictions, may well wake them up to the fact that we're serious about reciprocal agreements and their enforcement.

Mr. McKessock: Mr. Minister, I'd like to bring before you this case, the Verdon Rae case, again—I can't bring it to you in lawyers' terms but I can in farmer's terms—where the victim got ripped off by the courts as well as the thief. As you know, we went over this some time ago and the farmer's lawyer, Peter Fallis, has contacted you a few times. He is a bit disturbed that he hasn't received a reply from you. I'll send you a copy of his letter, and maybe you could see if there has been an oversight or there's a reason for not having responded.

The farmer had \$3,300 worth of cattle stolen out of his barn and the thief was caught and taken to court. In the court he was convicted and an order of restitution was made by the courts for him to pay back the farmer \$3,327.28. When the farmer contacted his lawyer to find out where his money was, they found the victim had appealed the decision and the appeal court had upheld the conviction but wiped out the order of restitution. This leaves the farmer in a position where he now has to again go through the process of convicting the criminal in civil court. Apparently, the evidence produced in the first court cannot be used in the civil court. This will cost the farmer another \$3,000. It gets to the point where if you don't have more than \$3,000 stolen you might as well forget about it.

I think this is a sad situation because I can't figure out why, when he was convicted and restitution was ordered by the court, an appeal court would be allowed to overturn the order of restitution.

At one time I asked you the question in the House.

There seem to be a couple of things here which are a problem. The evidence of the first trial can't be used in the second trial. At one time I asked you if you intended to amend the Ontario Evidence Act, whereby previous convictions for criminal or provincial offences would be admissible in subsequent civil proceedings as proof of the fact giving rise to the conviction. At that time, you said that you were of the view that there are amendments that should be brought forward to avoid the situation that was faced in the case of the farmer who lost the cattle—that is to avoid unnecessary duplication of proceedings, namely, findings in a criminal court that have to be retried in a civil court.

You also said: "Until a complete review has been done of the Law Reform Commission's recommendations, which are very ex-

tensive . . ." you didn't think you could say anything further at that time. I was wondering if you could say something further at this time.

Hon. Mr. McMurtry: I recall the case well. I will find out for the member what has happened in relation to the response that should have gone out to Mr. Fallis' letter of March 3. I'll inquire into that and advise you accordingly.

We did touch on this issue of restitution earlier in the estimates. I indicated that restitution provisions under the Criminal Code had been challenged. As a matter of fact, the Manitoba Court of Appeal had ruled them unconstitutional in dealing with property and civil rights, which are within the provincial jurisdiction, as opposed to the criminal law, which is, as you know, in the exclusive jurisdiction of the federal government.

Now the Supreme Court of Canada has a case on that aspect which, I gather, is going to be argued within the next couple of weeks. So there's an issue, first of all, as to whether the present restitution sections under the Criminal Code are constitutional.

What happened in the Rae case was that the Court of Appeal, as the member stated, reversed the trial judge. Of course, the Court of Appeal can always reverse the trial judge; that's the way our law has always been and, I expect, always will be. If there's a right of appeal, which there usually is, then the appellate court does have the right to disturb any findings or any orders made by the trial judge.

But the unfairness to Mr. Rae in that case was not so much that the court reversed the order. He may, of course, have thought it unfair, but the court has that jurisdiction. The unfairness, in my view, accrued to Mr. Rae—and I did mention this on the CBC Ombudsman's program—in that Mr. Rae did not know that that issue was being dealt with by the Court of Appeal. He had no opportunity to have anybody make representations on his behalf because the Court of Appeal was dealing basically with a criminal matter.

I certainly indicated at that time that I thought—and I still think—there should be some mechanism of letting a victim know when the restitution order may be an issue in a Court of Appeal. I made it quite clear that I am prepared to approach the Minister of Justice on that. But, of course, until there is some determination by the Supreme Court of Canada as to whether the sections in the Criminal Code are valid in the first place, the Minister of Justice isn't going to amend

the Criminal Code to provide that right to the appellate.

So, Mr. Chairman, that deals as best I can with the Rae case in so far as it came under the Criminal Code and in so far as the order of restitution was interfered with by the appellate court.

[3:45]

Now in relation to any amendments to the Ontario Evidence Act, as I recall, the report of our Ontario Law Reform Commission on the rules of evidence in this province recommended against allowing the introduction of a criminal conviction to prove that fact in a civil case. As I have indicated to the former chairman of the Law Reform Commission, now the Deputy Attorney General, who is a foot away from me, I don't entirely share their views in that matter, but that's what the Law Reform Commission has recommended.

What's happening right now is the uniform law commissioners throughout the country are trying to arrive at a uniform Evidence Act for each province so you won't have these differences and it's presently being worked on. There's a task force made up of federal and provincial people across Canada trying to arrive at a uniform provincial Evidence Act for every province because obviously, as the members opposite can appreciate, there's some interest in trying to arrive at some uniformity of legislation in these matters. We will have their report hopefully in the near future.

In the meantime, all I can say is—and it's perhaps not much help to Mr. Rae—we are naturally awaiting with great interest the determination by the Supreme Court of Canada as to whether the provisions in the Criminal Code which allow an order of restitution are constitutionally valid. I think everything will flow from there.

As I indicated earlier in the estimates and it had been pointed out to me if the Supreme Court of Canada rules—and I think this is the important thing as far as Mr. Rae is concerned, not the issue under the Evidence Act so much—where the damages are fairly clear-cut, the court dealing with the criminal case can make the restitution order, that's preferable in my view at least, to forcing the individual to go into the civil courts, even if he can prove the conviction or just file the conviction to prove the fact of the theft.

What we would like to do is to be able to permit the criminal court to deal with it where the damages are not in dispute. As I indicated earlier in the estimates, Mr. Chairman, if the Supreme Court of Canada rules

these restitution sections under the Criminal Code invalid, it's our intention to introduce provincial legislation forthwith, to give our judges in Ontario with criminal court jurisdiction powers under provincial legislation, if the Supreme Court of Canada says you can't get them under federal legislation.

Mr. McKessock: Thank you, Mr. Minister, for that explanation. I find since I came in here, lawyers have quite a time agreeing too, just like farmers. They usually say if you ask three farmers, you will get three different opinions and I found this to be quite a bit the same with lawyers.

Mr. Makarchuk: They only charge more for theirs.

Mr. McKessock: I agree restitution should stay in the federal court—this is what should have happened. I find it awfully hard to understand how an appeal court could overturn a clear-cut decision. The cattle were known to go through the sales barn and the receipts were there—there was no doubt he was convicted and no doubt of the price of the cattle. For any court to allow an appeal on a clear-cut decision like that is unbelievable.

Hon. Mr. McMurtry: The court did it because there were two accused, two people had been convicted, and the order for restitution was against only one of the two accused. The court, on its own motion—because nobody asked the court to do this, which made it more complicated—looked at it and said, "For some reason the judge made the order of restitution against only one accused and not against the other. It is unfair to make one of the two accused bear the burden", so they struck it out. I am not suggesting I agree with their decision, but I think this is the background as to why they interfered with the case.

Mr. McKessock: This case is kind of hanging on, to see what is going to happen, because as I suggested earlier it is going to cost Mr. Rae as much money to finish this case as he is going to get out of it. Could you tell me when you think there might be a change in the proceedings? Can they wait for this change to come into effect before they finish this case?

Hon. Mr. McMurtry: I wouldn't recommend it in this particular case. The machinery of justice and the law moves slowly admittedly, and generally speaking that is for a good purpose. I think any time you change the law or change the procedures you must move with a great deal of caution, and this sometimes results in a great deal of delay. I

can appreciate this can create enormous frustrations for people in the position of Mr. Rae.

I would think in this particular case Mr. Rae would not have much trouble in recovering. It's not for me to give him civil advice and it is really not the role of the Attorney General, but in a case such as this where the accuseds have been convicted I don't think it would be a very costly business to get a judgement in, say the county court, for the value of the cattle. I doubt very much if the issue would be defended.

I am speculating and perhaps I shouldn't embark on a speculative venture without knowing all the facts but I would think Mr. Rae's problem is not so much in getting a judgement against the two accuseds who have been convicted, but in collecting it. No law is going to assist in getting blood from a stone. That often happens in cases such as this where you are dealing with criminal acts.

Mr. McKessock: Has there ever been any thought given to setting up some kind of compensation fund for cases like this where the victim could be paid? It could be collected later by the courts in some way. I think other Acts and laws have come into existence in the last few years to protect the victim. This is another case where I think the victim should be paid fairly quickly and somehow the funds be collected at a later date.

Hon. Mr. McMurtry: As you know, we have legislation for compensating victims of crime, but this is only in relation to personal injuries. As a matter of fact, I think I tabled the annual report of the tribunal in relation to compensating victims of criminal acts for personal injuries. This is exactly what happens.

Now with respect to damage, there is a problem of insurance. At this point in time, I don't think any jurisdiction, quite frankly, has felt it could afford a scheme to compensate victims for damage to property. I think it is a desirable goal, but I don't think any jurisdiction anywhere has felt the public purse could afford it.

Mr. Lawlor: A couple of points in the limited time we have left: On Mr. Justice Kelly's report with respect to the Court of Appeal of Ontario. No doubt you or your department have perused the report carefully and its numerous recommendations. What is your reception and feeling about the report, particularly about the division of the court into two segments, one being called the "general" section and the other the "juristic"?

Hon. Mr. McMurtry: We think there are a number of useful recommendations. I am waiting for recommendations to my own ministry as to what we might be able to implement. The most significant recommendation of all is the one to which the member for Lakeshore has just referred, namely, the two-tiered system of a Court of Appeal.

I have to say at the moment that recommendation is being reviewed very carefully. I have received a number of letters from members of the profession opposing the recommendation and I must admit I have had relatively little support from the profession in favour of the recommendation. At this point in time, all I can say is we're reviewing the recommendation very cautiously.

Mr. Lawlor: The Supreme Court is divided into two sections, the Court of Appeal and the High Court, in Ontario. It covers quite a bit of ground. In the Court of Appeal criminal appeals, the case load situation at the end of the fiscal year 1975 was 607. It rose in the next year to 694 and is now at 699. That's on the criminal side. The civil side is at page three of your report. It has gone from 638 in the year before last to 699 and is now 815. There is an increase there.

My understanding, to make this kind of short, is that there is no real problem in the Court of Appeal with respect to case load. They're able to handle it and dispose of the cases with the present number of judges and courtroom time. Is that correct?

Hon. Mr. McMurtry: Yes. We think there are ways in which we can cut down their load but, generally speaking, they regard it as quite manageable.

Mr. Lawlor: In the Supreme Court, in the trial division, the figures are a little more horrendous. Taking the Ontario total, divorce, motor vehicles and what not, there were 37,400 the year before last, then 39,000—up a little over 2,300—and now in the last figures here, 43,300. That is escalating and we're dealing with thousands of cases at this particular stage. With the new judges, is that situation manageable too?

Hon. Mr. McMurtry: They're short about four judges at the moment. We're listing divorce figures under the Supreme Court for divorce under the Matrimonial Causes Act. It was explained to me why we listed them under the Supreme Court as opposed to county court and at the moment I forget the explanation. MCA is the Matrimonial Causes Act. They're county court judges and local judges of the Supreme Court. That's why it's listed under this heading.

I think the Supreme Court feels the list is getting a little heavy. They are embarking on a number of pretrial procedures, criminal and civil, to try to cut down the load. As I indicated a few minutes ago, we have increased the size of the Supreme Court trial division by over 30 per cent—close to one third—in the last two years. We're optimistic that with the appointment of the additional judges this will bring it within manageable proportions.

I think the key test is that delays in civil actions, both jury and non-jury, are not unreasonable. Those delays, in my own personal experience, have not increased over the years between the time that an action is set down for trial and a certificate of readiness served and a trial date is obtained. That is one area in which I can say there hasn't been any significant increase in that time. In my own experience, it has fluctuated back and forth in the last 10 years.

[4:00]

It is pointed out to me that the backlog throughout Ontario this year—up until the end of June of this year—has actually decreased slightly.

Mr. Lawlor: Slightly, yes.

Item 2 agreed to.

On item 3, county, district and small claims courts:

Mr. Lawlor: Just a word on item 3 on case load and that vexing perennial problem that we have on trials de novo. The figures given to us are that in York on the county court set-up it went from 2,900 to 3,600 last year to 4,200 this year in the summary convictions appeals area. All kinds of nostrums have been presented to you on that.

By way of an aside, you are placing an enormous emphasis upon Williston. You think Williston, like some kind of lodestone, is going to solve all your magnetic compasses. That may not be so. After all this is merely procedural; no matter what he can come up with on pretrial matters with a little streamlining here and there, you have still the whole vast inertia of the courts and the way in which they have forever operated. I wouldn't place a great deal of faith in it. Some, but not unduly in that particular area.

Back to trial de novo: Can you make a statement about that? Are you going to set a limit as to the sum that may be appealed in terms of the fine? Is there some scheme that you may have to relieve that load?

Hon. Mr. McMurtry: As you know the summary conviction appeal rules have been changed in order to permit an appeal on the record, not trial de novo. I think those sec-

tions were just proclaimed this fall. That will undoubtedly have a significant impact, I suspect, on the number of cases.

Furthermore, we will be introducing a new Provincial Offences Act, a very important piece of legislation, in relation to the trial of minor highway traffic matters. There won't be the same number of minor highway traffic cases going to a county court judge. In some of these cases the right of appeal in a minor traffic case will end with a provincial court judge. They will be heard in the first instance by a JP and under the present state of the law they go from a JP to a county court judge. A lot of these appeals were initiated simply to delay in order to protect points in relation to an operator's licence.

Under this proposed new Provincial Offences Act, for minor highway traffic cases there will be a right of appeal but that will be from a JP in many cases—and I emphasize in the minor cases—to a provincial court judge and from there to a Court of Appeal on a question of law. But we are optimistic that this will significantly cut down as well the volume of summary conviction appeals, particularly in places like the judicial district of York where it is very heavy.

Although we think the Williston committee is important with respect to civil cases, I certainly hope, Mr. Chairman, that I haven't created the impression that we are putting too much reliance on Mr. Williston because that is not the case. While we regard his work as very important, we just regard it as one important element in the overall picture which requires a number of initiatives.

Mr. Lawlor: Just very quickly: In the general sessions for the peace—that is, the criminal cases with jury at the county level—the cases remaining in York have escalated quite a bit over the previous period. At least, on page eight of the notes you gave us from 592 to 706. What is the situation there? Are you getting complaints from the judges and from the Crown counsel and others handling these cases that there is a log jam in this area?

Hon. Mr. McMurtry: Mr. Chairman, I don't recall any specific complaints. I do discuss this problem from time to time with the senior judge in the judicial district of York, a gentleman who is well known to the member for Lakeshore because of his previous responsibilities. I am very open to suggestions he has in expediting these cases through the courts.

I think with respect to the judicial district of York where the problem is particularly critical in the county court, the decentralization of the Crown system will help. What

we are trying to do is arrange for individual Crown attorneys to be seized with these cases at an early stage. We think this will be one effect, hopefully, of cutting down the volume.

Under the present system where you have a very large Crown's office centralized for most purposes on University Avenue, many of these cases in the county court are assigned to a Crown attorney only a matter of perhaps several days or less prior to the trial. And the police are responsible for ensuring that the witnesses are present.

We think it will be improved with the smaller semi-autonomous offices. Then even if the case originates in North York, the Crown attorney will follow it downtown with the responsibility from an earlier stage, being "seized" as I have expressed it. It will encourage defence counsel to approach Crown counsel and vice versa with respect to cutting down the length of the trial, avoiding the calling of unnecessary witnesses. We are hoping this is one way in which this backlog will be reduced.

Item 3 agreed to.

On item 4, provincial courts:

Mr. Worton: I would like briefly to bring to the attention of the minister a letter that I had written to him last week. I realize this may be repeating the situation but I believe the minister is a man who tempers justice with mercy. It involves whether or not the courts themselves are abusing the method in regard to collecting of what I would term NSF cheques.

I gave him an example of a young man who issued three cheques—one for \$10, one for \$4 and another one for \$4. Eventually he was picked up by our local police and jailed in the Kitchener jail. He then had to appear in the Cambridge court. He wanted to plead innocent but he was advised, I suspect by the legal counsel on duty that he should seek legal advice. Then it was postponed to be heard in Kitchener on January 10 of next year.

The father, who has a position with a utility in Guelph in which he deals with credit, came to me. The parents failed to understand the situation. The father said if half the people who send in NSF cheques to this utility were charged, the jails would be full every night. When he came to see me this Saturday he thought it was rather extreme that this firm should use the police as what I would term as a collection agency for such a small account.

It will no doubt mean charges against a young man of 21 when, with perhaps a little

bit of discussion between the family and the firm they might have been avoided. I'm not enough of a legal mind to understand the procedures, but when this money could have been paid to the firm to whom he gave the cheques—and oddly enough he had the money in a non-chequing account but not in his regular chequing account when he issued them.

So I'm just wondering, Mr. Minister, in view of people on the street who don't understand—when they read of situations like the member for Grey gave here a minute ago—about a man who was convicted of taking cattle valued at \$3,300 and was ordered to make restitution and then he appealed, and it looks from what I heard that the farmer is going to be out that money—it is pretty hard to convince the man on the street that justice is equal for everyone. I'm just wondering what your feeling is on the courts being used in such a way for such a minor thing.

Hon. Mr. McMurtry: Mr. Chairman, I certainly would share any concern of the member opposite for any abuse of the process which in my view would be the case if the courts are used as a collection agency. There's nothing to prevent an individual from coming before a JP and laying a charge. They must swear they have reasonable and probable grounds to believe that an offence has been committed—namely the obtaining of something by false pretences. But as I recall the law, the crux of that offence is that you must have reasonable and probable grounds to believe that the individual did not have the funds in the account when he wrote the cheque. I would think in many cases this would be very difficult. I know the chief judge of the provincial court, who has jurisdiction over the justices of the peace, continually reminds them that the courts are not to be used as a collection agency.

I'd be interested in following up the matter that the member has written to me about, Mr. Chairman. I haven't yet seen the letter to find out why the JP would issue process, particularly when it was such a minor amount. The fact that it is a minor amount in itself does not mean that a criminal offence has not been committed. But I'm very concerned about the possibility of courts being misused in that manner.

It's a very difficult area because it's hard to generalize. But I will certainly pursue the matter that you've written to me on, and we will remind the JP, hopefully through the chief judge in that area, to be concerned

about the possible abuse of the process in this respect.

Mr. Worton: I would appreciate that, Mr. Minister. I'm sure if the story as I've got it has been told in a truthful way there should be accommodation. Not that I want to ever interfere in the duties of the court. I'll be most happy if you and your staff look into it thoroughly and see if there's another solution to the matter.

Mr. Stong: I have a question for the minister. For some time now I understand that the provincial judges' association has been dealing with the financial management branch of your ministry concerning their pensions. I wonder if you could give us an update as to just how those negotiations are proceeding and what the attitude of the ministry is toward the pension fund of the provincial judges.

[4:15]

Hon. Mr. McMurtry: Shortly after I assumed my present responsibilities, I made it very clear I did not wish to have anything to do with the judges' salaries, or judges' pensions. When I speak of myself I must, of course, speak of my ministry in the same light, because I viewed it as something that could only give the perception of a possible conflict of interest. After all, it's something that could have the appearance of affecting in an adverse way the independence of the judiciary. Obviously, they shouldn't be negotiating salaries or pensions with the chief prosecutor, the person responsible for bringing cases before them.

So to my knowledge all of these matters are dealt with by the Management Board; and all negotiations, to my knowledge, have been carried on by my colleague, the Hon. James Auld, in this respect.

Mr. Stong: Am I given to understand that things have changed, since July 1975, at any rate, where the provincial judges were considered at that time employees of the ministry for the purposes of group insurance plans? And is not your ministry involved in the remittance of salaries to the provincial judges?

Hon. Mr. McMurtry: Certainly it has changed since July 1975. I guess I was sworn in on October 7, 1975. It's changed since that time. The mechanics of issuing the cheques may still be done through our ministry but that's a mechanical operation.

Mr. Stong: Am I given to understand that the provincial judges are concerned about the very thing you have stated you want to avoid? That is, if they are not employees or servants of your ministry, they may be

perceived to be so in terms of salary negotiations? In fact, they do receive their salary from your ministry and at the point of receiving their salary, unemployment insurance is deducted, for instance. They are concerned about that as well, as I am given to understand.

Hon. Mr. McMurtry: That may have been the case. It's no longer the case, Mr. Chairman.

Mr. Lawlor: On the matter of the horrendous figures that have to do with the provincial courts in criminal division: The case-load backlog for Metropolitan Toronto as of March 31, 1977, was 1,630,114 cases—that's quite a few cases; the rest of the province is around 1,600,000 to make a grand total in these courts for the province of over 3,000,000. The Attorney General has, to some degree, indicated his concern in estimates, although it was done far more thoroughly last year. But there is no use repeating yourself unduly. What has to be done is known and the mechanisms by which it can be done are being gradually seized upon.

But that surely is a startling figure. I suppose the chief weight of the figure comes with the highway traffic offences in which justices of the peace are playing a greater and greater role and for which tribunals of various kinds are being set. I think the Attorney General would agree with me that to some degree the siphoning away from the regular courts of that particular kind of offence, would do very much to lighten this case load, and the very heavy burden and what appears to be monstrous number of cases.

I don't know how the filing systems in those courts can ever remain apace and whether there aren't all kinds of snafus developing because of the sheer load. Once a problem gets up past a certain marginal point it compounds itself and all kinds of elements enter in which were not original parts of the problem and are really, from an operative point of view, quite unnecessary.

Without any great and elaborate reply, could the Attorney General comment on that?

Hon. Mr. McMurtry: I think the figures referred to by the member for Lakeshore are not the backlog, but actually the disposition, so that in the fiscal period ended March 1977 the provincial courts disposed of 400,000 more cases than they did the year before. So the increases actually are in what they've been able to dispose of. The charges outstanding are significant and are contained on page 11.

Mr. Lawlor: They were two million.

Hon. Mr. McMurtry: We've indicated what we've done with respect to the provincial offences legislation, which will certainly help in relation to highway traffic offences. We've appointed a significant additional number of provincial court judges in the provincial division in the past two years. But, in any event, I don't know that I can add anything further than what I've said in respect to the matter of the backlog.

Mr. Deputy Chairman: Does the member for Lakeshore have any further comments on this item?

Mr. Lawlor: No. As I say, Mr. Chairman, due to the time element here—and I said we'd be out of here sooner than we are at this time—I'm not going to press this matter any further this year.

Item 4 agreed to.

Vote 1306 agreed to.

On vote 1307, administrative tribunals program, item 1, assessment review court:

Mr. Lawlor: On the decisions of the assessment review court and the criteria upon which it operates—those very elusive, those very esoteric grounds upon which assessments are shifted with respect to the same kind of building in the same sort of community, the house two blocks away probably ruled out because it's not close enough. I always find that a very trying part of the thing when people come to see us in our constituency offices complaining and trying to nail that down. In other words, I'm asking whether there is more information by which to form an opinion obtainable as a result of the work of this particular court?

Hon. Mr. McMurtry: I am not sure that I totally understand the question. The criteria, of course, are laid down by the Assessment Act. All I can state is that, hopefully, in gaining experience the courts are more effectively able to deal with these matters.

Mr. Lawlor: Are the cases reported?

Hon. Mr. McMurtry: No, they are not.

Mr. Lawlor: For the general guidance of the public and even the legal profession, this is a highly subjective area. I am telling you both on the part of the county court judges and on the court here. Just how the rules of thumb are linked to the chancellor's foot and operated in this particular area bemuses me. Any information that can be supplied in a general way is far fairer to the public on going into this court, so they know what they are faced with and the type of argumen-

tation that appears to be valid or non-valid by the court.

I don't know if you have ever appeared before one of those courts. I have on numerous occasions. I never know what to say, what the best arguments are—or if there are any, for heaven's sake. You go in and it's a little like this place. You talk through your hat for a few minutes and you might just come out with a favourable decision. Normally, if you talk long enough, you do.

Hon. Mr. McMurtry: I have not appeared before any of these courts, as the member will appreciate.

Mr. MacDonald: That classifies you to speak at length.

Hon. Mr. McMurtry: A great volume of cases is handled. I will explore the matter with my senior officials as to how we might better assist the public to understand the process and whether it would be helpful to publish some sort of booklet to help the individual citizen. I must admit I don't have any suggestions to make myself but I would be happy to pursue it and get back to the member.

Items 1 and 2 agreed to.

On item 3, Criminal Injuries Compensation Board:

Mr. Stong: I have just had handed to me immediately before we got to this vote the eighth report of the Ontario Criminal Injuries Compensation Board.

Mr. Lawlor: Have you read it already?

Mr. Stong: I am sure that would have been very helpful. I do notice on page five there has been an increase in the awards of some 37 per cent. I am wondering in general about the Criminal Injuries Compensation Board whether the attitude that seems to be prevailing among provincial judges and being leaned on perhaps more and more is assisting in this regard in keeping down the cost and the necessity of going to the board.

I am speaking about the reparation and restitution provisions under the Criminal Code that can be acted upon by provincial judges. I have even heard where some provincial judges are making awards for personal injuries, such as an injured thumb or some physical injury.

What is the policy of the ministry in this area? If it is the policy of the ministry to district provincial judges to make awards for personal injuries in criminal cases, I wonder whether that is viewed as being directed towards cutting down the number of cases that are going before the Criminal Injuries Compensation Board?

Hon. Mr. McMurtry: I have some concerns about the matter of our provincial or criminal courts making assessments in relation to personal injuries. I know the Court of Appeal has recently struck down an award that was made by a provincial court judge for general damages. Although the federal government has suggested this might be a part of the process, I must confess I have grave reservations about protecting the rights of all parties, even the rights of the accused, in facing assessment of damages in a tribunal which really isn't set up to deal with assessment of damages.

I have to say I am rather inclined to the view that in this type of case it is best to deal with it through the Criminal Injuries Compensation Board. It's quite clear there are many more people every year making use of the board and this trend is likely to continue. We are considering the suggestion I have just referred to, but I have to confess I have grave reservations about it.

[4:30]

Mr. Stong: Along those lines, have you or are you contemplating sending out a directive to your Crown attorneys as the chief Crown, in the event a provincial judge or any judge within the trial division asks counsel on both sides to direct their attention toward compensation for personal injury, that they ought to leave that to the Criminal Injuries Compensation Board and therefore a judge ought not to address himself to that particular problem?

Hon. Mr. McMurtry: I hadn't considered that but I am quite happy to consider it because I hadn't become aware of the fact this really had become an issue and counsel were in fact doing that. I think there was a decision reversing the order of the provincial court judge recently in the Court of Appeal. I think that decision is generally known. But I will certainly be happy to take under advisement the wisdom of sending out a directive to that effect.

Mr. Stong: I am glad to hear you say that, because I am personally aware of a situation where one of our provincial judges in the county of York ordered an award to be paid in the amount of \$700 for personal injury arising out of an assault occasioning bodily harm charge. The Crown was obviously at a loss at the time.

Better direction from the ministry would assist, because in my mind, as well as I can see in yours, it is a matter best left to the Criminal Injuries Compensation Board.

Mr. Lawlor: I notice pain and suffering is 70 per cent of the total picture; legal fees are six per cent, that is counsel fees in the hearings; and there were 609 awards given in the course of the last year. I just have one comment, and that is to thank the Criminal Injuries Compensation Board for publishing their report—a little late this year for the purpose of these estimates but better late than never—and the way in which they set up their format and outline the cases. This gives you some insight into the basis on which they set forth their awards. That was my complaint with respect to an earlier vote—you didn't get any insight or facts of the situation which would give justification for any particular act they did. But here you do, and that's valuable. Thank you.

Item 3 agreed to.

Item 4 agreed to.

On item 5, Ontario Municipal Board:

Mr. Gaunt: If I may raise the matter I raised a couple of times with the Attorney General, does the Attorney General have any further information with respect to the problem I indicated to him?

Hon. Mr. McMurtry: There is a trial date set for sometime in December, about mid-December. All I can say is I will lean on my office to get that for the member opposite. I am sorry we don't have it for you now; I know it is under active review at the moment.

Mr. Gaunt: I appreciate that; if the Attorney General will keep leaning, I'll keep leaning on him.

Mr. Deputy Chairman: This concludes the estimates of the Ministry of the Attorney General.

Mr. Lewis: You can go back to your office and lay some charges against nefarious scoundrels.

Hon. Mr. McMurtry: While the Minister of Consumer and Commercial Relations (Mr. Grossman) is taking his place, I'd like to make this gratuitous statement: I was well prepared to answer a question, usually asked by the member for Lakeshore, in relation to the office of Her Majesty's Proctor. I have to say I'm a little disappointed—the question wasn't asked.

Mr. Lawlor: Oh, you are disappointed.

Hon. Mr. McMurtry: If I may, I'd like to deliver this brief to the member for Lakeshore. I'm sure he'll find it of great interest.

Mr. Lawlor: John Hilton, the Queen's Proctor.

ESTIMATES, MINISTRY OF CONSUMER AND COMMERCIAL RELATIONS

Hon. Mr. Grossman: I'd like to introduce our estimates with some statements about the short-term goals, and long-term philosophies and directions of my ministry. In short, what we feel we can honestly, fairly and realistically accomplish, with energy and dedication to the difficult job at hand.

As you know, this is a time of budgetary restraint, but there is certainly no restraint in our approach to service. By increasing efficiency, the ministry plans to offer viable, helpful services, programs and protection, and to show ingenuity at the same time. You will see in the estimates of the Ministry of Consumer and Commercial Relations, a continuing emphasis on efficiency. I have made a commitment to the people of this province to provide an aggressive and active response to consumer needs.

I intend to honour this commitment; and also to honour my commitment to permit, and indeed encourage, business to operate, expand and develop free of unnecessary, wasteful red tape, paperwork, rules and regulations. We do not see our responsibility in the areas of consumerism and commercial relations at cross purposes, rather they have common goals—healthy, fair, honest competition supplying dependable items to an open, effective and active marketplace, one in which consumers and good businessmen can operate safely and effectively.

My predecessor, Mr. Handleman, laid the groundwork, legislatively and administratively. I now intend to follow through with the performance consumers are looking for. The question is how to deliver more without spending more; that is the essential question which I hope to discuss with you during these estimates. Frankly, I welcome your views and your ideas. I'm a new minister and I have come here today to participate in a dialogue with you.

Basically, there are two types of consumerism. The first kind has government answering complaints; investigating, mediating and disposing of them. We do a lot of this, and we do it well; however, we do not think the taxpayer can afford to have us act as legal counsel for all of Ontario's eight million consumers.

The second kind of consumerism is larger in scope and potentially much more powerful. It emphasizes consumer education in the schools and the provision of preventive information to groups and individuals in the community at large; it makes business groups more responsive to complaints; it establishes

compensation funds for restitution and gives consumers direct access to claim against those funds, rather than relying solely upon our mediation or expensive legal action; it features highly visible action by the ministry against businesses or companies which do engage in bad or unfair practices.

To summarize in a sentence, this second approach means developing better consumers and encouraging better businessmen. It has the advantage of being inexpensive but visible, while helping a lot of people. It's a good and effective way, and one which I have chosen to encourage. We are going to continue responding to complaints, but we are not going to claim complaint handling is our only business. Our attention is going to be focused as well on the big issues.

What I would like to do now is highlight two main themes in our estimates—a more efficient ministry and a more active ministry.

First, efficiency: As you will note in the briefing material provided to you, there is no increase in the number of full-time, non-rent review, staff positions in the ministry. The actual staff of the ministry has dropped this year, compared to last year, by 180 employees. This overall reduction has been achieved while substantially increasing the service we provided to the public.

The total increase budgeted in our estimates for 1977-78 is \$10.7 million, an increase of 15.6 per cent. The rent review program is excluded from this calculation. The estimates show funding of the rent review program for only a part of the current fiscal year, because they were prepared last November when the future of the program was uncertain. Since then, additional funding has been obtained from Management Board to continue the program for the remainder of the year.

The largest portion of the increase, about \$6.3 million, is for salary awards. These are economic increases authorized by the government over the past two years.

These estimates don't reflect some of the astute management which has resulted in savings during the past year. For example, we have instituted a records and forms management program which now yields savings of \$130,000 per year. We also have a computerized fixed asset inventory control system. Next on the list of improvements are a consolidated purchase plan and a five-year accommodation plan, including office consolidation and workshops and records management. We anticipate average savings of \$230,000 a year from these and similar measures.

Long-range planning is also being emphasized. By March of next year the entire ministry will be on an MBR program. All basic components of a modern management system are now in place, including strategic planning, operational planning, performance reporting, monthly expenditure control and independent auditing. We are now as well-managed as any of the businesses we regulate; in fact, we are probably more sophisticated than most.

I should add here that when looking at our increases in spending, consideration should also be given to the revenues we earn from our services. For example, the racing commission has obtained a 48 per cent increase in racing dates over the past five years with only a 14 per cent increase in daily costs. The result is an 80 per cent increase in revenues, to over \$40 million. Our land registration activities in the Property Rights Division have resulted in an 84 per cent increase in revenues and taxes over the past four years, to more than \$65.5 million in 1976.

This same trend to efficiency and improved revenues is visible throughout the ministry. We now rely upon the same conceptual tools as businessmen when deciding where to spend our money. Our analysts look at return on investment, cash flow and opportunity costs, just as businessmen do. A decade ago this form of management was not thought possible in the public sector; today it is a reality.

Perhaps the outstanding example is the new personal property security registration system which was inaugurated in April last year. This modern, computerized system informs a person intending to purchase personal property, or accept it as collateral, whether or not the owner has previously pledged the property as security. Any such property can be checked at any one of 49 branch offices across Ontario, in minutes, at a cost of just \$2. This system is second to none, yet its development has cost not one cent of taxpayers' money. It operates on a full cost-recovery basis. This year we added the capacity to check registrations by motor vehicle serial number as well as owner's name, which makes the system even faster and easier to use.

To create a more active, pro-consumer ministry, we are pursuing five main courses of action. First, we are promoting the concept of self-regulation. It is now much more than a theory; it is a fact.

The best example is the new home warranty program. This program was initiated

a year-and-a-half ago and registration of builders has now been mandatory for nearly a year. In this short period of time, much has been accomplished. Every new home sold in Ontario carries a warranty; over 3,800 builders have been registered, more than twice the number we expected. Another 700 are in various stages of the process. Every one of these 4,500 builders is being inspected.

Thus far the program has received 695 complaints. A total of 54 claims involving \$87,926 are now being considered. Nine bankruptcies have been dealt with and 24 registrations have been revoked. There is no question the overall performance of the home building industry is being upgraded as a result of this legislation. This program was initiated by industry and is now being operated by industry under our guidance. It is a successful, working model of what business can do when it puts the consumer first.

[4:45]

There are other examples of this approach which are moving towards reality. For instance, the credit union movement in Ontario now has its own share and deposit insurance corporation, providing the same basic coverage to credit union depositors as the federal Canada Deposit Insurance Corporation. OSDIC, as we call it, already has a board of directors of which a majority are from the movement. Staff are now being hired and procedures are being established. Later this week I will be able to report to the House the successful launching of this self-regulating consumer protection program.

Our provincial corporation will not be arbitrary, distant or bureaucratic. It will be responsible to those it serves, and that surely is one of the great advantages to self-regulation. Self-regulation requires the continued presence of government to ensure that the public's interest is being served. It requires industries with a sense of social responsibility, but when it works it provides the greatest possible service at the best possible price by harnessing the expertise and resources of private industry.

Our second main activity is that we are establishing standards of conduct for various industries. In many cases these guidelines are voluntary. To quote our regimental sergeant major, "You can volunteer or you can be made to volunteer." There is truth to that. Our position of power, both moral and legal, is considerable with heavily regulated industries like insurance or trust companies; but it is a real advantage not to require legislation. For one thing, it saves money; for another, it enables faster response

to consumer problems as they develop. Perhaps most important, an industry which voluntarily accepts the rules is not as likely to spend a fortune on lawyers to find the loopholes.

The co-operation inherent in voluntary compliance is well worth having. Our voluntary guidelines on leases for the petroleum industry, for example, help to resolve serious problems and protect the lessee without the legal complexities which are inherent in any attempt to regulate an industry.

Voluntary compliance is one of the unsung but highly successful and useful concepts enshrined in the Business Practices Act. We have been able to use this technique to obtain redress and change business practices without the necessity of prosecutions in court. From strawberries to the size of tomatoes to \$5 health club memberships, this technique has proved to be inexpensive and effective.

Some of the best examples of voluntary compliance concern financial institutions. The equal opportunity guidelines governing credit granting to women are an outstanding case in point. So too is the successful implementation of loss ratios governing sickness and accident insurance, which we implemented in July of last year. Individual accident and sickness policies now must disclose the anticipated loss ratio for that particular plan. Companies primarily in the business of providing low premium policies with very low payouts are going to run into problems because of the disclosure requirements. I suspect some of them will have to change their products or curtail their sales in Ontario, and that is just fine with me.

A third method of consumer protection we are emphasizing is restitution, using an industry compensation plan. The outstanding example here is the travel industry fund. Although less than two years old, this fund has proved its worth. Since the fund was established, we have paid out more than \$638,000 on 800 claims involving more than 3,000 consumers. Travellers are now fully protected from bankruptcies of travel firms. Because of this success, we intend to introduce compensation funds to other major regulated industries.

A fourth activity we intend to pursue is high profile legal action against companies or industries which are especially hard on consumers. This year our business practices division will pursue about 140 investigations which will lead to an estimated 350 charges. A number of these will have the effect of cleaning up entire industries. Obviously I don't want to tip our hands as to which

areas we are investigating, but I can assure you we will have some excitement before this fiscal year is out.

Here are some of the initiatives we have taken in the past few months. In the travel area, for example, our investigation led to the arrest of a travel agent for fraud, charges against three agents for operating without a licence and the suspension of 15 companies for failing to meet their commitments to the compensation fund.

Concerning dance studios, we have now succeeded in four legal actions, three of which were unsuccessfully appealed by the business involved. A number of large contracts were rescinded by the Commercial Registration Appeals Tribunal, resulting in savings of thousands of dollars to consumers who had been subjected to high pressure sales representations as well as bait-and-switch tactics.

Just two weeks ago we issued a cease-and-desist order to put a stop to an operation which was promoting a Christmas dinner and evening out for senior citizens. Members of the public in Hamilton, St. Catharines and Ottawa were solicited to donate money to the enterprise which held itself out to be a charity. In actual fact it was a profit-making operation which was simultaneously asking local business to buy advertising space in a publication to help defray the costs of the Christmas party. The publicity surrounding these cases has proved to be a highly effective warning to consumers and to the industry itself.

In other actions we have stopped the manufacturer from advertising false fuel savings for a product called Thermojet; we successfully prosecuted an illegal pyramid sales scheme; and we issued a cease-and-desist order against a language school for falsely luring Mexican students to Toronto with the promise of accredited English courses.

The redress we have won for individual consumers in these cases has been significant, but more important is the use of investigative and legal resources to stop unethical practices. I believe our actions will clean up industries like the dance studios. This has incalculable long-term benefits to consumers and businessmen alike.

The business practices division is alerted to these cases by its direct, extensive contact with the public. This year we'll respond to more than 60,000 telephone inquiries and we will process more than 13,500 complaints. We have extended our hours so citizens can now receive service from 7:30 a.m. to 6 p.m. To increase our sensitivity to changes in the marketplace we are establishing stronger out-

reach programs making use of our regional office.

It's more than just responding to complaints after the fact. Where we can, we anticipate potential problems and practice preventive medicine by alerting consumers to areas of thin ice.

Two recent information bulletins—one dealing with mail order ripoffs, the other with home insulation—are good examples of this. One of the greatest challenges we face is keeping up with changes in the marketplace. Products are multiplying in number and complexity, and consumers are more sophisticated and demanding. Markets are increasingly international in scope. We are, therefore, putting more emphasis on monitoring the marketplace.

Finally, we are accelerating our consumer education program. In order to make people aware of their rights and to help them be better consumers, my ministry has been active over the year. Twenty-two booklets are being distributed to over 50,000 people each month. In addition, the ministry has produced a television series and six films. Extensive research has been initiated in northwestern Ontario and North Bay to determine how people get information and how we can improve our efforts.

Already there are more than 350 teachers across Ontario using our materials as part of their consumer education courses. In addition, we will be opening a consumer information centre in January. It will act as a clearing house for consumer information put out by industry, consumer groups and governments, thereby implementing the resource sharing vehicle which grew out of the consumer education conference which this ministry hosted in April of this year.

This centre will initiate programs with consumer educators and with local information resource centres across the province. It will be the flagship. The major shift of emphasis, which I am commencing, is to reach those consumers in Ontario who are most in need; that is those who are vulnerable due to geography, age, language difficulties, disability or low income. To this end, the centre will conduct workshops with groups which reach those who are most disadvantaged.

With this accelerated effort, we will reach an even higher proportion of Ontario consumers; particularly those who need it. This major policy thrust, will be addressed in all our undertakings over the next few years.

These are the five principal ways we are moving towards a more activist ministry; self regulation, voluntary guidelines, restitution, prosecutions and consumer education. They

represent the second form of consumerism I referred to earlier, by which the marketplace is upgraded in the aggregate to benefit the greatest number of consumers.

There are a number of other initiatives I would like to mention before ending my remarks. The condominium study group has conducted a series of well attended public meetings across Ontario. Recommendations are expected shortly which will lead to significant legislative changes next year. That group of consumers, condominium owners, can look forward to greater legislative protection in the near future.

The aluminum wiring inquiry was appointed in April to investigate and report upon the safety and reliability of this product. This inquiry has also held hearings across the province and consumers can expect some much-needed answers to be provided by the commission shortly.

These two inquiries have created a necessary focus for public concerns and they have contributed to greater awareness of these concerns in government, industry, the media and among consumers themselves.

Our energy safety branch this year implemented new regulations on the safe use of fuels and is now working with the Canadian Gas Research Institute towards the development of more efficient furnaces and heaters, again to better protect consumers.

I should add here that our technical standards division is pursuing self-regulation with some of the industries which it regulates, with the goal of providing better consumer protection more efficiently.

The Motor Vehicle Accident Claims Fund has increased its ceiling from \$50,000 to \$100,000. A computerized bookkeeping function has improved our revenue control, while increased fees have encouraged more people to obtain insurance, thus providing more consumer protection.

We have planned an extensive legislative program for the spring. At that time, we intend to introduce and have passed, finally, the new Securities Act, amendments to the Business Corporations Act, and a new Commodity Futures Act.

The Securities Act, as pointed out in my statement last Friday, is legislation which will expand the requirements for timely and continuous disclosure. It will also prohibit tipping and expand civil liability rules for those who abuse positions of trust. The new legislation also highlights the less publicized side of our ministry's work, namely facilitating greater efficiency in the corporate world. For the next 10 years, Canada's capital requirements will be staggering, especially in the energy field. To meet these needs, we must ensure our

capital markets are as fair and efficient as possible.

Finally, our rent review program, which was extended earlier this year, is currently operating in an efficient and effective manner. The guideline of eight per cent has been reduced to six per cent in keeping with the wage guidelines imposed by the AIB. Plans are under way to develop a permanent and comprehensive package of tenant protection legislation for implementation by January 1, 1979, when the current rent review program expires. A report scheduled for this spring will be published as a green paper for broad public debate.

Mr. Chairman, this review of our plans and initiatives is very incomplete. However, I hope it will give you an idea of the direction we have chosen to take. A more efficient and activist ministry is our common objective. I believe we are progressing quickly towards that goal. We are aggressive and inventive. I look forward to exchanging views with my colleagues on these ideas, concerns and initiatives. You will find us interested, open and attentive. Thank you.

Mr. Blundy: Mr. Chairman, I have listened to the statement by the hon. minister with great interest and there are some matters on which I would like to comment. We find ourselves in somewhat the same position. The minister is presenting his estimates for the first time and I, as the spokesman for the official opposition, will be speaking to those estimates for the first time as well. However, I'm sure we want to show every co-operation to the minister to carry out some of the very admirable items he has included in his initial statement. We hope from time to time I will be able to remind the minister of some of the things he said today in his initial statement.

The new minister, I think, is showing a bit more promise and perhaps a little better grasp of his ministry thus far than the former Minister of Consumer and Commercial Relations, his predecessor, Mr. Handleman. Mr. Handleman, I understand, is a man who believes in majority government, namely a Conservative majority government—

Mr. Ruston: They can forget it though; they're going down the drain next time out.
[5:00]

Mr. Blundy: —a government which is able to govern with a minimum of input from the opposition parties. We are hopeful that we are going to be able to increase that input in the business before the government as we go along.

Mr. Handleman was unhappy with the rent review program under his jurisdiction when

he was the minister. He didn't do very much to reassure the people of Ontario, the tenants of Ontario, that the program would continue.

Mr. Haggerty: He wouldn't continue as minister.

Mr. Blundy: That's right. Mr. Handleman found himself the Minister of Consumer and Commercial Relations in a minority government, a position he must have found personally frustrating; so much so that he decided to throw in the sponge.

Mr. Haggerty: The minister is smiling at that one.

Mr. Blundy: However, the new minister has continued the rent control program at the six per cent basis of increase as suggested by the official opposition last April. You know what happened to it then, and what happened to them then.

I have to commend the new minister for having taken the action he has in continuing the rent review program. I have to commend him for the action he has taken in the income tax rebate discounters situation. His predecessor said they couldn't do anything about it, that it was a federal matter; however, something has been done about it, and I know that the consumers of Ontario will be better protected because of it.

I am very happy to note that the minister will be bringing in amendments to the Securities Act. I believe this legislation is long overdue; many things within the securities legislation do need amending.

I would like to make particular reference to section 90(2) of the proposed bill covering take-over bids. I believe the Select Committee on Company Law talked in 1975 about some of these proposed amendments that hopefully, will rectify some of the situations. Here it is the end of 1977; it is time that legislation was dealt with; I would be very happy to discuss that matter when the amendments are introduced in the new session.

The Ministry of Consumer and Commercial Relations is a very diverse ministry. It's a sort of an umbrella ministry handling many things to do with the people of the province of Ontario in all walks of life and at all levels of income. Even though the minister is laying out in his opening statement the many programs he is initiating, to further consumer education in Ontario, I don't believe this is going far enough. The majority of people in Ontario, and particularly those people in the lower income groups who perhaps are most in need of protection under these Acts, have no knowledge of them.

You will recall the recent write-up in the paper about the Business Practices Act, saying how few people know about it, know what it involves and how it protects them. I think the ministry should be going out to bring these things to the attention of the people of Ontario in the media that they most see. Many people don't read the papers; most people don't read pamphlets which are handed out; but you know as well as I do when a provincial election is coming up all kinds of little goodies in the way of consumer protection, et cetera are put over the television at that particular time. Now I wonder, is it for the protection of the consumers; or is it for the re-election of the government in power?

Hon. Mr. Grossman: I am thinking of the federal election that is coming.

Mr. Haggerty: Oh, propaganda.

Mr. Blundy: This is the sort of thing that gets to the people more readily. Most people, unfortunately, do not read what is written in detail, in magazines and newspapers, but they do see this sort of thing. This can be very helpful in bringing to many people in the province knowledge they don't already have about the Consumer Protection Act.

I was interested to note in the minister's statement his comments about HUDAC and the Ontario New Home Warranties Plan Act. I believe when we hand over the control of legislation more or less to an independent group like this, we should have more frequent reviews of the work they are doing. Reviews to tell us: how many places have been inspected; how many builders have been rejected; how many home buyers have not only been talked to but have really gained back something on the problems they have had; and how many had conditions in their faulty homes rectified?

In my riding we have a subdivision which is known officially as Cardiff Acres. Because of the vitality of the Sarnia area, builders came in from all over the province, including areas where building was not quite so healthy. I must admit, most of them built before the Ontario New Home Warranties Plan Act came into force January 1. They have fled now. They have gone bankrupt. They have left the country and I, as the member for that riding, have a thick file.

I will tell you, in one house in Cardiff Acres, two big teenage boys ran into the kitchen and attacked the refrigerator at the same time. It fell through the floor into the basement along with the two boys. There are other places where the people have gone

into the attic and found there is no insulation and so forth.

Now, as I said before, I admit most of these homes in this particular subdivision were built before this Act came into force. Building is still going on at quite a rapid pace in the Sarnia area. I know personally some of the people who are involved in HUDAC in our area and most of them are very highly responsible people. I am looking for great improvements in this area which has been causing so much of a problem in the past several years.

There is another matter I would like to mention to you, Mr. Chairman, and this is a matter of new cars, used cars and owner protection. I have a pet theory: there should be something done in the province of Ontario so consumers have a record of automobiles. This is done in some European countries. When a new car is sold initially a booklet goes with it, a passport if you like, and everything that happens to that car, every time it has any major servicing or repairs, is entered in the book. It's amazing how many cars can grow 20,000 miles younger overnight in Ontario at the present time. It does happen in spite of many Acts and legislation to prevent it. After these cars have gone through their many owners, most are abandoned.

Abandonment of cars is becoming more and more prevalent in Ontario, and I'll tell you why: Cars have less and less valuable recyclable materials in them. There are more and more pounds of plastic and rubber going into the building of cars now. Thank God there is, because it is all made in my riding, and it's a great thing for us. The plastic is made there, the rubber is made there; but this is reducing the recyclable content of the cars.

At the same time, the people in Ontario who are in the business of picking up the cars which are blotting our landscape, the backyards of our homes and down the back concession roads, have to pay more and more in the way of wages and salaries to their employees. They are paying twice as much for the trucks that carry these abandoned cars to Hamilton for recycling, and at the same time, they are getting 30 to 40 per cent less for those abandoned cars. I believe the province of Ontario and the government of Ontario should take some leadership in this matter and create some incentives for the recycling of these automobile bodies which are becoming so prevalent.

We should have more leadership from the province in protecting automobile owners.

You will recall the rusty Ford owners association which finally got together in desperation and took class action on their own behalf. This, I think, has had one good effect; the companies have put greater emphasis on anti-rust measures in their automobiles.

But these people are put to great trouble and expense to try to protect themselves, because nobody else is doing it for them. I suggest, Mr. Chairman, to the minister to truly protect the consumers of Ontario he should be looking at this sort of protection.

While I am speaking about car owners and so forth, I would like to mention the matter of compulsory automobile insurance. Everybody says everyone should have insurance. We certainly want everybody to have insurance. Public liability and property damage insurance by the automobile owner is just as important as having a driver's licence. I know the Select Committee on Company Law has supported compulsory automobile insurance in principle, but has referred the matter to staff to investigate the technicalities.

I note my colleague, Mr. Nixon, has introduced a private member's bill to require compulsory automobile insurance. I would like to draw to the minister's attention these things that have gone on in the demand for compulsory automobile insurance. I am not talking about government insurance, I am talking about insurance provided by the well-established insurance dealers of this province but made compulsory for anyone who is driving.

[5:15]

Another item that I would like to touch on briefly and draw to the minister's attention is the censorship Act as it has to do with movies, and particularly the advertising for movies. The basis of the existing censorship is much too broad, particularly in advertising. I am aware of one drive-in theatre where the advertising they put in the paper about their coming movies is much more dramatic and much more shocking than the actual movie itself. But it brings out the people. This is really not protecting the consumer, in my opinion, and I believe greater emphasis should be placed on this sort of thing, particularly for movies directed toward violence.

The views of the mayor of Toronto on the movie called Snuff, have been written up considerably. Great violence was shown in this movie, most of it directed to women. There has been great support for the view expressed by Crombie recently in this matter.

I believe we should look at censorship, with a view to trying to curtail some of this advertising particularly, and hopefully in this way doing away with some of the violence currently being shown in the theatres and the drive-in theatres throughout the province.

Hon. Mr. Grossman: Do you go to the drive-ins often, Paul? Do you go to the drive-ins often in Sarnia?

Mr. Blundy: No, I don't go to drive-ins very often, but I do read the papers and I see the ads. Then I talk to those who have gone. Sometimes the movies shown at the drive-in don't seem to bear very much relationship to the ads I see in the paper to get the people to come.

The minister's opening statement put great stock on the number of inquiries he has had and the number of complaints he has processed. I'm very happy to see those numbers there, but I want to hearken back to what I said earlier. I believe there is a large segment of our population who are really not benefiting from the increased education he is trying to undertake. I can't stress too fully that he really has to try to advertise in such a way that it will get into the homes of all segments of our community.

I think television, of course, is very good in that respect. The amount of consumer education in the schools, in my opinion, is questionable. I haven't been to school for a long time, so I can't say from personal experience, but I have a wife and a daughter who teach school. I have discussed this with them and they feel it's very limited and that a great deal more could be done to teach students, particularly in high schools, consumer law, what consumer rights are and how they fit into everyday life.

On the condominium study group, we are looking forward very much to the Kealey report that will be coming in. This is an area that has a great need of amended legislation.

The aluminum wiring inquiry, I think, is a bit of a joke in some respects. I have been approached by people who have appeared before the various hearings of the aluminum wiring inquiry committee and they feel they have not been able to impress the people, even though they documented personal experiences and problems they have had with aluminum wiring. Many of these people are beginning to think that nothing good is going to come of this inquiry.

Mr. Chairman, I really appeal to the minister that we do get a good report from that inquiry and that it be acted upon. These people are fearful that this will not take place.

I urge you to take action on the report as soon as it comes in.

Those are largely the remarks I want to make in my initial reply to the minister's remarks. I know we will have many opportunities over the next several weeks to discuss specific items under each vote and I will look forward to getting more information and hopefully giving some input as we go along in the vote.

Mr. Davison: Mr. Chairman, it gives me some pleasure indeed to rise and engage in the great ritual and tradition of the opening statement, where we watch the minister and hear the minister echo sentiments and words of his predecessor. In fact, in hearing and reading the minister's statement I felt for a moment, with some exceptions, I was reading a Sidney Handleman speech.

Mr. Foulds: A short, thin Sidney Handleman, that is all he is.

Mr. Samis: So much for his image.

Mr. Davison: There were some notable exceptions, I must say, one of which I found on page 10. The dear former minister never would have said something like the second paragraph on page 10 wherein the current minister says, "Self regulation requires continued presence of government to ensure that the public's interest is being served. It requires industries with a sense of social responsibility."

The previous minister knew all about Inco and he would have had a great deal less faith and would have been a little more reticent about saying something like that. So there are, indeed, some differences. But essentially, the ministerial remarks in the opening statement serve to say basically how pleasant we are in the ministry; we are pretty good guys and we have some pretty wonderful legislation coming forward.

Mr. Foulds: Too bad you don't have anyone to back you up now.

Mr. Samis: Two Tories in the House.

Mr. Davison: That's right.

Hon. Mr. Grossman: I don't need it.

Mr. Davison: The opposition critics try fairly hard in their opening statements, traditionally, to find something nice to say about the ministry, something nice to say about the minister. But only six days ago, Mr. Chairman, we debated the income tax discounters legislation and I went on at some length about how nice the minister was and what a nice job he had done on that.

Hon. Mr. Grossman: Don't stop now.

Mr. Davison: So having commended you, Mr. Grossman, I will proceed to condemn you

today in the finest tradition of an opposition member's opening statement.

As tradition goes, Mr. Chairman, we in the opposition go on to outline some of the general problems faced in the ministry, which we will be addressing when we come to the vote-by-vote debate. In that sense, I would like to associate myself with about 79 per cent of the remarks made by the Liberal critic. Some of them, I am afraid, I just can't touch.

As things change relatively slowly, if they change at all with this government, the opposition's statements tend to be very much like the minister's statement; rather an echo of past remarks. Not wanting to break with tradition, because I realize how important it is in the House, I would like to make some remarks and Mr. Chairman, if I stray too far from the historical guidelines, I trust you will bring it to my attention.

I feel compelled in dealing with the Ministry of Consumer and Commercial Relations estimates, to make some remarks on the degree of diversity in the responsibilities of this minister. I would like to thank the minister for the excellent briefing book I received—the big red book.

An hon. member: It is worth about \$20.

Mr. Davison: It is worth a great deal more, actually.

There are some elements in the big red book that show fairly clearly, in a rather concise way, the diversity within the ministry. I would like to take my colleagues on a tour, if I might, of the minister's fiefdom. Let us consider, for example, the ministry administration. You guys have really got it all together; unfortunately, you have it all together in three or four different buildings, so I am not quite sure how the act keeps going. You've got part of the ministry administration at 555 Yonge Street; you've got part of it at 400 University Avenue; you've got part of it at 1 St. Clair Avenue West—I hope you've got part of it in the Legislative Assembly—and the rest of it is in the minister's car.

We then find tucked away on 555 Yonge Street, the Ontario Securities Commission. Well not to worry, I'm not sure that any of us really understand what those guys are doing. That's especially true of Malartic Hygrade Gold Mines, who write to us on a weekly basis to quiz us about just what those characters are doing.

We move along to—oh yes, commercial standards are still with pensions commissions down at 8 York Street. I really think some days the prime responsibility of the com-

mission is to frustrate the devil out of pensioners in my riding when they try to find out something about their pensions. I have thick files composed exclusively of correspondence between pensioner constituents of mine and the commission.

Then we have one of my favourites, the financial institutions division. They are at 555 Yonge, 950 Yonge, and 400 University Avenue. This is where we deal with the biggies of the finance community and the finance world; like the insurance companies, the credit unions and indeed the cemeteries. I'm not quite sure how we fitted them in. However, there is, I am assured, some guy in some office dealing with the cemeteries under financial institutions.

The guys in the business practices division are at 555 Yonge Street and 1 St. Clair Avenue West. Their prime accomplishment, as far as I can tell in the overview, is hiding from consumers the provisions under, and indeed the existence of, the Business Practices Act. We've got a pretty good piece of legislation in the Business Practices Act, but these guys seem to be engaged in a process of keeping it a virtual secret from the consumers.

Well we move along to technical standards. We have a lot of diversity there, everything from pressure vessels to elevating devices.

Public entertainment standards, including the Ontario Racing Commission—which currently serves, as far as I can tell, as the second to final resting place of one Charles MacNaughton, who was a well known figure about the House—is up on Millwood Road. Also located there, is the theatres branch. Those are the characters who view those films about which my colleague from Sarnia was so concerned. They see what kind of a relationship, for example, Snow White is having with the Seven Dwarfs in the latest Walt Disney movie. We'll have more to say about those characters, I am sure.

The lotteries branch is included there as well. Then there is what I think is probably the finest example of decentralization in the ministry. This occurs under property rights where we have the provincial property registrar and his unit. It is the head office. I guess, for lack of a better word, and it is situated at 400 University Avenue. We then have regional property registration branch number one, situated of all places at 400 University Avenue. However, to make up for that, regional property registration branch number two, to show the diversity, is situated at 100 Queen Street West. Indeed,

sometimes Metro forms the boundaries of ministries.

[5:30]

The Registrar General is in the Macdonald Block. Those are the guys in charge of hyphens; and they can use them, in many cases, in their names.

The Liquor Licence Board, they're down on the Lakeshore; and of course with those people we also have the Liquor Licence Appeal Tribunal, which is the current abode of one John Yaremko, another former figure around these halls.

We seem to have a lot of elements in the Ministry of Consumer and Commercial Relations to provide jobs for former cabinet ministers.

I would mention the LCBO, which supposedly reports through the minister, but since they form essentially an independent kingdom I feel somewhat at a loss on what I can say, because we really don't seem to be provided with a great deal of information about them.

The other great private organization, or separate organization within the ministry, is the rent review group, which is located all over the province.

That's a brief tour of the ministry. Those are the areas we're going to be discussing as the estimates go along.

Mr. Foulds: Why don't you visit them all, Larry, like Frank Drea with his ministry?

Mr. Davison: It indeed does show that the ministry is diversified.

There really is, I think, a need, Mr. Minister for reorganization; not just of your ministry but of the entire government. You have several components in your ministry that have nothing to do with what should be your prime function, which is consumer protection.

It strikes me that we could get on with the job a lot better if we got rid of some of the commerce-related aspects of your ministry, to one of your good friends like Hon. Claude Bennett in Industry and Tourism. Then we could take a look at the other ministers and the other ministries, and I suspect that we would find in ministries like Agriculture and Food, Health, Energy and Housing certain elements that dealt pretty exclusively with the consumer. Those elements then and those in other ministries of the government could be transferred and put under your responsibility so that within one ministry we would have all the consumer-oriented legislation and we could deal with it in that sense.

You wouldn't then find yourself in the position of your colleague, the Minister of Labour (B. Stephenson) who has the same problem. She can't really take the side of labour, she can't really take the side of management, so she places herself firmly in between them, on the fence. You, sir, by the nature of your ministry, have a similar problem. How can you really act to protect the consumer when you have responsibility for some of these other pieces of legislation?

The test of this ministry is and always will be found in the response to two questions: One, does the ministry by word and deed protect consumers? Two, do consumers know what the ministry is doing?

Mr. Warner: No, no.

Mr. Davison: My experience today and obviously the experience of my colleague from Scarborough-Ellesmere is no.

Mr. Samis: Totally and entirely so.

Mr. Davison: That's right, the ministry isn't by word and deed protecting the consumers of Ontario and the consumers don't have the foggiest idea what it is you're doing.

Mr. Warner: They need protection from the minister.

Mr. Davison: Yes. I've really had an awful lot of correspondence from constituents and from other people in the province about the ministry. They ask essentially: "What are these guys doing? Who are they? What are they up to?" I was reading a group of clippings a few nights ago. I was reading some press clippings and I found an article from the September 30 edition of the Niagara Falls Review. A fine paper.

Mr. Samis: Vince's favourite.

Mr. Davison: Yes, and it appears over the signature of one Colleen Brazeau. I'd like to read it to you, Mr. Minister. I don't know how it passed your attention. By the way, in your absence, I did of course respond on your behalf to the paper. I'll read you my reply later.

Mr. Warner: Thoughtful, wasn't he?

Hon. Mr. Grossman: I'm going to send you my mail.

Mr. Samis: He'll send you a brown paper envelope.

Mr. Davison: "The Editor:

"Of what value is the Ministry of Consumer and Commercial Relations if it has no real authority?"

Mr. Warner: Toothless.

Mr. Davison: "How many of us are aware of its limitations until we are unfortunate

enough to require its services? Let me cite you an example.

"We engaged a local firm to dig and pour the foundation for our home. Our basement was flooded from day one. We contacted the ministry which stated that the contractor must return to work and repair his faulty work. He refused. The ministry tells us that it has the power to order him to return, but if he doesn't the department can take no further steps.

"If the ministry does not have the authority to make businesses comply with their instructions, then what protection does the consumer receive? I would be extremely interested to learn the number of our tax dollars that are poured into a branch of provincial government that is nothing more than a shadow of what we are led to believe it is."

It goes back to the point I was making that perhaps, Mr. Minister, it's a good thing for your ministry the people of Ontario really don't understand what you're doing, because it seems when they find out they don't like it.

As I mentioned, I watched the paper for your response. You somehow missed it, so on your behalf, did reply.

"Dear Mr. Editor:

"I have just read a letter to the editor in your paper of September 30, 1977, entitled 'Ministry is Toothless'—That was the title, "Ministry is Toothless."

Mr. Warner: Nothing personal.

Mr. Davison: That's right. Is it true through OHIP we can get your dental records?

Hon. Mr. Grossman: Not mine.

Mr. Foulds: Only if he's been hospitalized for the work.

Mr. Warner: Just ask the Mounties.

Mr. Davison: To continue:—"in which Colleen Brazeau expressed her concern as to the value of the Ministry of Consumer and Commercial Relations. I must say that I concur with her assessment of the ministry in many respects.

"The central problem is the ministry's reliance on moral suasion rather than law as a means of dealing with those who have abridged the rights of consumers. It reflects the government's lack of commitment to consumer protection. It in fact seems that the real function of the ministry is public relations."

Mr. Foulds: Doesn't even do that well.

Mr. Davison: "I can be of assistance to Ms. Brazeau in regard to the number of our tax

dollars that are poured into this branch of government. In the fiscal year 1977-78 the ministry will spend \$78,913,000. I have no doubt that the report of a cost-benefit analysis would take on a surrealistic quality. However, may I say to Ms. Brazeau that I would consider the expenditure more than totally justified if the Ministry of Consumer and Commercial Relations performed the functions we are led to believe it does."

So, I hope, Mr. Minister, you'll accept that in the absence of your own reply as a reasonable, impartial judge of the situation.

Mr. Warner: Entirely objective.

Mr. Davison: I've been concerned. I've shared this concern with you privately and publicly and I'd like to share it with you again.

Could you tell me how consumers in Ontario can have any faith in or any understanding of your ministry if you won't file an annual report like almost every other ministry in this province?

I've raised this with you privately. I've raised it in the House. On October 24, I introduced a private member's bill, Bill 75, which as I'm number 80 in the lottery will be debated sometime around 1987.

Hon. Mr. Grossman: You won't be here then.

Mr. Foulds: You won't be either.

Mr. Davison: I hope I'm not. If I am here, I hope I'm not still asking for the report.

Mr. Foulds: Your son may be here, but not you.

Hon. Mr. Grossman: We're pretty good that way.

Mr. Warner: You'll be out grinding coffee beans.

Mr. Davison: I think it's rather ironic that the one ministry most directly affecting consumers, or supposedly most directly affecting consumers, is one of the few that doesn't file an annual report. I think my bill is important because it will give that report to the members of the House and, through the members of the House, to the public.

I would ask the minister today, because my bill won't be debated until 1987 could you please take it upon yourself? It's a very simple change in the legislation: It requires one paragraph to be changed in the Act that set up your ministry. I promise not even to enter the debate if you bring that in. I would blindly vote for it.

Hon. Mr. Grossman: So what else is new?

Mr. Warner: Get that off the record.

Mr. Davison: No, I have the paragraph written down.

Mr. Samis: He's so desperate he's making offers.

Mr. Warner: Add, "... in a like manner to the minister."

Mr. Davison: Yes. I put that to you. I don't mean to spend a lot of time on it, because I'm really out of order: It is a bill waiting debate in the House, but why couldn't you do that? It's not a big deal. Failing that, what is to stop you from producing a report on your own? Just because the legislation doesn't force you to tell consumers what you're doing is no reason you can't. I would like to see either an amendment from the ministry, or a report.

I've been concerned for some time about the element of secrecy that surrounds the rent review program in Ontario, I have a suspicion that if consumers in Ontario find the Ministry of Consumer and Commercial Relations to be something less than totally open they find the rent review program to be absolutely top secret. I think people in Ontario know more about the Soviet KGB than they know about the rent review program.

This was a topic of lengthy debate in the last estimates. My colleague from Riverdale (Mr. Renwick), who unfortunately can't be with us today to put the argument again, put it so well back in the last estimates. With your kind permission, Mr. Chairman, I'd like to read a few of his remarks, because I very much respect his opinion in these matters.

He was responding to the minister's total refusal to make public this document—the manual for officers of the rent review. The minister said that we were dealing with a quasi-judicial body, therefore it wouldn't be right for the members of the Legislature to be interfering. My colleague from Riverdale said at the time:

"I can only analogize it to the court system, since you have raised the fact that it is a judicial process. I never understood what quasi-judicial meant. In fact, it is a judicial process. Decisions are being made which affect the relative rights of persons as owners and tenants of property."

He went on to say, comparing it to a court:

"The rules of court are obviously available to anybody who wants to labour through them. The whole of the procedural question relates to the substance of what is before those boards. It is a relatively ancient saying, without being legalistic about it, that the substance of the law is usually found in the procedures which are followed. If you don't know the procedures and if you don't know the rules that are being played and the matters which are being determined, then

you are not likely to get the substance of the justice of what is required." He spoke about it at some length on May 11, 1976. I would read into the record one or two more paragraphs:

[5:45]

"All I am saying is that it does seem to me that if the judicial process of rent review is to be analogous to the court proceedings, the rent review officer sits in the position of judge, the players know what the rules are and it's the contest between the players in accordance with the rules that leads to the resolution of the problem by the rent review officer. The rent officer is not established as some kind of person who in some mysterious way by consulting some crystal ball of arcane manuals makes the decision."

Finally, in the last sentence, he said: "Make the rules public so that the administration can become regularized, so that people aren't operating in the dark, with a view to both dispelling the concern which is around about the administration and also to take it out in the open and perhaps solve an immense number of problems in the future with respect to the actual administration of the rent review program."

If I might, I would like to associate myself wholeheartedly with the remarks made by my colleague from Riverdale on that day because they hit the nail on the head. The public has a right to know what the rules are. You can't operate that kind of program and keep it in the dark.

If the procedures are changed through action by the minister and the manual is made public, we are going to have another problem. A number of months ago I requested this manual which I have on my desk today. After some lengthy argument with various officials in your ministry, I was able to get a copy on the condition that I return it by the end of 1977.

I want to raise some questions with you. I don't want to sound accusative and I don't want you to take my remarks as accusative about the former minister, about you or any of your senior staff.

Hon. Mr. Grossman: Be careful.

Mr. Davison: There are some questions raised by the document I received, which is purported to be the rent review procedures manual. I have gone through it at some length and I am willing to let you have this copy so that you can take a look at it. I would like to know what happened to tabs 6 and 7 in this book, which supposedly deals with the legal and the records management program. In my copy of the manual, it only

goes up to tab 5, which is appeals. A substantial portion of the manual just isn't here. What was given to me as the manual just isn't here. The glossary isn't included. I would like to know why.

I feel a bit suspicious about the fact that the two tabs that were deleted from my book are the two tabs for which no table of contents is listed. If it had been one of the other tabs that had been removed from my copy, then I would have at least known what was in it and perhaps I could have calmed my suspicious nature and I wouldn't have to be raising this with you now.

Consider this fact. I have in my copy of the manual, section 1, which deals with administration. I have document RR0101-02, which is the concluding page of that section. My copy of the manual then jumps to RR0103-01. What happened to the organizational charts that are supposed to be in this document? What happened to document RR0102, it just isn't here? You will have to forgive me if that makes me a bit suspicious. I could continue for a long time, I suspect. What happened to document RR0103-08? I have got 7 and I have got 9, but I don't have 8.

And finally, on this manual, I'd like to know from you, Mr. Minister—and if you don't know I'd like you to find out before we get to the rent review section—after the manual was originally given to my colleague the member for Ottawa Centre (Mr. Cassidy), what bulletins, what memos or what anythings that don't appear in what I was told was the manual were added for the consideration of the officers?

I am sorry if I sound a bit suspicious of your ministry. I don't mean to impute motives, but I would like to know before we get into the rent review discussion towards the end of the estimates exactly why I have got an incomplete manual.

So keep those two things in mind, please. One, why on earth can't the people of Ontario see this red book? What's so secret about it? Why can't they be privy to the rules before they play the game? Two, when you purport to give somebody a copy of it, would you please make sure it's all there?

There are a couple of other matters I would like to raise in an opening statement because they really don't fall under any of the votes.

I got a letter, dated October 31, 1977, which was a copy of a letter to you from a Toronto alderman's office. If I may, I would like to read this letter into the record. I have taken precautions to delete references which I feel might identify the people involved. The minister does, I know, have a copy of

this letter in his files so he can go and refresh his memory in terms of the exact details. I think it is something I would like to read into the record of this debate.

"Dear Mr. Grossman:

"I would like to bring to your attention the plight of a small businessman located in the — retail area. His problems are shared by hundreds of other independent retailers who are being driven out of business, not by large chain competitors, but by unscrupulous landlords.

"Mr. and Mrs. — have operated a small variety store for many years at Such-and-such street. On July 31, 1977, they were paying \$340 per month, including taxes and utilities, for an unrenovated 1,000 square-foot premise.

"On August 1, 1977, they received a \$40 per month increase to \$380 per month. In September, the property changed hands and their rent was increased to \$1,200 per month. This was then written down by the new landlord to \$1,000 per month, plus 25 per cent of the property taxes, plus utilities. In October, the landlord again reduced his asking price to \$850 per month, plus 25 per cent of property taxes, plus utilities.

"In addition, the landlord has presented Mr. and Mrs. — with a lease which is so restrictive that their lawyer has counselled them not to sign. As a result, they will be forced out of business.

"Currently there is no provincial legislation which offers protection for small business tenants. Is your ministry considering or is it prepared to consider legislation that will protect small business tenants against excessive rent increases and prejudicial lease agreements?

"I would appreciate hearing from you at your earliest convenience."

I don't know how you have responded to them, Mr. Minister, but I will tell you this isn't a new issue.

Mr. Chairman: I wonder if I could just interrupt the member—

Mr. Davison: I'm sure you could, Mr. Chairman.

Mr. Chairman: —to inform the House that we have a guest, the Right Hon. the Prime Minister of Canada.

[Applause]

Mr. Davison: I realize we're approaching the bewitching hour. This isn't a new problem, Mr. Minister. This isn't something that popped up on October 31, 1977, or August 1, 1977. I raised this problem with the Minister of Housing as long ago as October 30, 1975.

The minister was John Rhodes, still the current Minister of Housing. I asked him in the House, "Does the proposed rent review legislation apply to all rental premises—specifically, small businesses, commercial and industrial premises—and if not, why not?" The minister in his usual fashion managed not to answer the question and then finally answered it by bringing in legislation which didn't protect small businessmen.

In November of the same year I raised with him the case of Mr. George Fenton, who was operating a store at 181 Church Street in Oakville that was owned by the town council. He had an increase in his rent of 60 per cent. It put him out of business.

I had a number of cases and I have had a number of cases come into my riding office. The smallest complaint I've had from a small businessman in my riding in terms of a rent increase was for 100 per cent. They're not coming in and bitching about 12 per cent or 34 per cent or 16 per cent or six per cent—100 per cent was the smallest complaint. I had a large number of complaints. It's a serious problem.

I tried again, in my own way, to use the rules of the House to bring forward a private member's resolution, because we're not allowed to spend money in a private member's bill.

Shall I continue, Mr. Chairman?

Mr. Chairman: You still have two or three minutes left.

Mr. Davison: Okay. I can probably deal with it in that time.

In June 1976 I placed on the order paper the following resolution: "That in the opinion of this House the government should introduce legislation to provide rent control for small business commercial and industrial premises." I did a survey of my riding just before that in which I asked my constituents what they thought about the need for that kind of legislation. Eighty per cent of my constituents favoured that kind of legislation. Eighty per cent. We still didn't get it from the government.

The gouging of those landlords had and still has two bad effects which the minister should know about. One is if the businessman stays in business the cost of paying excessive rent to the gouger is passed along directly to the very consumers he purportedly is protecting in increased prices. The second effect is if the businessman doesn't do it he goes out of business, and another small businessman bites the dust in Ontario.

I would say to the minister there is need. When we're restricting wage increases in this country to six per cent, when we're restricting rent increases to six per cent, and when we have such a regulated economy there is need for action in this area. I would ask him to take a look at it. I know his colleague wasn't very interested in it but perhaps the minister could show some interest and protect consumers in that area.

There are two very brief things I wish to raise, but I am afraid they will take five or 10 minutes.

The House recessed at 6 p.m.

CONTENTS

Monday, November 28, 1977

Use of influence, statement by Mr. McMurtry	2303
Activities of RCMP, questions of Mr. McMurtry: Mr. S. Smith, Mr. Lewis, Mr. Deans	2304
Point of privilege re Use of influence statement, Mr. S. Smith	2305
Recovery of Hydro money, questions of Mr. McCague: Mr. S. Smith, Mr. MacDonald, Mr. Lewis	2306
Aviation safety, questions of Mr. Snow: Mr. Lewis, Mr. Reid, Mr. Foulds	2306
Mineral exploration, questions of Mr. F. S. Miller: Mr. Lewis, Mr. Reid, Mr. Foulds	2308
Disability allowances, questions of Mr. Norton: Mrs. Campbell, Mr. Lewis	2310
Atlas Steel, questions of Mr. Bennett: Mr. Mackenzie	2311
Pipe production, questions of Mr. Bennett: Mr. Kerrio	2311
Tea and coffee pricing, question of Mr. Grossman: Mr. Swart	2312
Reforestation, questions of Mr. F. S. Miller: Mr. Conway	2314
Prices at highway service centres, questions of Mr. Snow: Mr. Samis, Mr. Nixon	2315
Village of Port McNicoll Act, Mr. G. E. Smith, second and third readings	2315
City of Ottawa Act, Mr. Roy, second and third readings	2315
Concurrence in supply	2315
Re concurrence in supply, Office of the Premier, Mr. Gaunt	2315
Estimates, Ministry of the Attorney General, Mr. McMurtry, concluded	2316
Estimates, Ministry of Consumer and Commercial Relations, Mr. Grossman	2327
Recess	2340

SPEAKERS IN THIS ISSUE

Auld, Hon. J. A. C., Chairman, Management Board of Cabinet (Leeds PC)
Bennett, Hon. C.; Minister of Industry and Tourism (Ottawa South PC)
Blundy, P. (Sarnia L)
Bounsall, E. J. (Windsor-Sandwich NDP)
Breagh, M. (Oshawa NDP)
Breithaupt, J. R. (Kitchener L)
Campbell, M. (St. George L)
Conway, S. (Renfrew North L)
Davison, M. (Hamilton Centre NDP)
Deans, I. (Wentworth NDP)
Foulds, J. F. (Port Arthur NDP)
Gaunt, M. (Huron-Bruce L)
Grossman, Hon. L.; Minister of Consumer and Commercial Relations
(St. Andrew-St. Patrick PC)
Haggerty, R. (Erie L)
Kerrio, V. (Niagara Falls L)
Lawlor, P. D. (Lakeshore NDP)
Lewis, S. (Scarborough West NDP)
MacDonald, D. C. (York South NDP)
Mackenzie, R. (Hamilton East NDP)
Makarchuk, M. (Brantford NDP)
Martel, E. W. (Sudbury East NDP)
McCague, Hon. G.; Minister of Government Services (Dufferin Simcoe PC)
McKessock, R. (Grey L)
McMurtry, Hon. R.; Attorney General (Eglinton PC)
Miller, Hon. F. S.; Minister of Natural Resources (Muskoka PC)
Nixon, R. F. (Brant-Oxford-Norfolk L)
Norton, Hon. K.; Minister of Community and Social Services (Kingston and the Islands PC)
Reid, T. P. (Rainy River L)
Rhodes, Hon. J. R.; Minister of Housing (Sault Ste. Marie PC)
Riddell, J. (Huron-Middlesex L)
Rotenberg D.; Deputy Chairman (Wilson Heights PC)
Ruston, R. F. (Essex North L)
Samis, G. (Cornwall NDP)
Smith, S.; Leader of the Opposition (Hamilton West L)
Snow, Hon. J. W.; Minister of Transportation and Communications (Oakville PC)
Stokes, Hon. J. E.; Speaker (Lake Nipigon NDP)
Stong, A. (York Centre L)
Swart, M. (Welland-Thorold NDP)
Warner, D. (Scarborough-Ellesmere NDP)
Welch, Hon. R.; Minister of Culture and Recreation, Deputy Premier (Brock PC)
Worton, H. (Wellington South L)



Legislature of Ontario Debates

Official Report (Hansard)
Daily Edition



First Session, 31st Parliament

Monday, November 28, 1977

Evening Sitting

Speaker: Honourable John E. Stokes

Clerk: Roderick Lewis, Q.C.



CONTENTS

A list of the speakers taking part in the debates in this issue of Hansard appears, in alphabetical order, at the back of this issue.

Daily contents of proceedings also appears at the back of this issue. Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff. Phone 965-2159.

Hansard subscription price is \$15.00 per session, from: Sessional Subscription Service, Printing Services Branch, Ministry of Government Services, 9th Floor, Ferguson Block, Parliament Buildings, Toronto M7A 1N3. Phone 965-2238.

Published by the Legislature of the Province of Ontario.
Editor of Debates: Peter Brannan.

LEGISLATURE OF ONTARIO

MONDAY, NOVEMBER 28, 1977

The House resumed at 8 p.m.

ESTIMATES, MINISTRY OF CONSUMER AND COMMERCIAL RELATIONS

(continued)

Mr. Chairman: Would the member for Hamilton Centre want to continue?

Mr. Davison: The member for Hamilton Centre would love to continue. You have to understand, Mr. Chairman, some small number of our colleagues are in committee, dealing with the Ombudsman.

Hon. Mr. Grossman: I'd like to go down there.

Mr. Davison: Yes, I was just thinking about that myself.

Hon. Mr. Grossman: He's glad you and I are here.

Mr. Davison: It's probably the safest place to be at this point.

When I left off at the commencement of the dinner hour, I told you, Mr. Chairman, I had only two more points to raise and they were brief ones. I'll now proceed with them.

I ran across a rather intriguing article in the Toronto Star on October 28 of this year and I'm curious about the issue. If possible I'd like to raise it with you later in the estimates, under the appropriate vote. But perhaps I could read the article to you and then you could tell me if you will be able to provide me with more information on it, so we can discuss the issue intelligently.

The article is entitled, "Inspector Charged With Fraud," and reads, in four or five paragraphs, as follows: "An inspector with the Ministry of Consumer and Commercial Relations was charged yesterday with attempting to defraud the ministry of \$9,000.

Police said he is the fourth to be arrested for involvement in trying to collect the money from the ministry's travel compensation fund.

Police said a phoney receipt for the amount was issued as reimbursement for a trip said to have been booked through the now defunct Information and Travel Centre on Danforth Avenue in Scarborough last July.

Investigators say the trip was not booked.

The travel compensation fund was set up several years ago with fees from travel agen-

cies to protect travellers in the event an agency went bankrupt.

Charged with conspiracy to commit fraud is Victor Jack Debenham, 51, of RR4, Acton. Already charged were Mari Malinski, 49, of Wanstead Avenue, Scarborough and Harry Howarth Snape, 50, and Frederick Thomas Whiting, 43, of Pickering."

I'm curious, Mr. Minister. The article isn't quite clear. Are the other three people also employees, or were they also employees of the ministry? It wasn't a ring within the ministry?

Okay, you've answered one of my questions.

Is it possible for you to expand a little bit perhaps on what is in the article? Because it's not quite clear how an employee in your ministry was able to defraud the fund. I don't quite understand how that would work and I would appreciate some explanation.

Perhaps you could make some comments on any changes you've made in your ministry to ensure this kind of thing doesn't happen in the future. It doesn't strike me that the Travel Centre being defunct really would solve the problem from my understanding of what's in the article.

Finally, I assume the appropriate section for this item would be the business practices section which deals with the Travel Industry Act. Is that correct? Is the minister nodding his head yes?

Mr. Worton: Perhaps we'd better just switch to a back room and have a little session by ourselves.

Mr. Davison: I understand there's an overfull committee room downstairs. Perhaps we could switch with them.

My understanding of the budgetary procedure of your ministry is that, first, the various components that make up the ministry set some kind of budget, hack it about for a while and then send it forward. Then there's some kind of internal general ministry review that can adjust the budgets for the estimates internally. They then go on to Management Board which is free to wield the axe on the budget, as they often do. Then they finally come to the Legislature, where we do what we do so well, which is something that totally escapes me.

Is that essentially correct? If so, I'd like to know from you not really how much money was cut out of what components of the ministry at what point, but rather what old or new or possible programs were lost in the budget-cutting process. More important, were any proposed initiatives of the ministry lost in that process? All that is against the background that you're probably the greatest money maker the government has in terms of—

Hon. Mr. Grossman: Thank you.

Mr. Davison: —what you get for what you spend. I would like to know very much if you find that new initiatives have had to be stood down for a year or two of financial considerations and, if so, what initiatives.

Also, I would raise with you very briefly a concern arising from the briefing book. That concern is with the table entitled "Increases to the 1976-77 Printed Estimates." My reading of that table—correct me if I'm wrong—is that there was an increase of \$10,715,000, which was offset by an almost equal decrease in the rent review program. Is that correct? No? Is it \$10 million?

Mr. Chairman: Would the member continue and I think these questions can be answered after.

Mr. Davison: I would like to have from the minister some clarification of four of the seven areas that are outlined as being responsible for that increase.

One item one, "claim on salary contingency fund." I'd like to know what the fund is and what is that process that cost us by my reading some \$6.3 million.

The others are numbers four and five "work load" and "inflation," which were also hefty amounts. Does that mean your ministry doesn't take into account inflationary trends as projected by the Treasurer (Mr. McKeough) for a given year, or was there simply an underestimate somewhere along the way?

Does "work load" mean there was too much to be done within the ministry by the people you had and you had to pay some of them to work overtime or had you to go out and contract for a few people to finish up some work?

"Merit increases, 1977-78." Are those, again, things that are not taken into account when the budget is set?

Perhaps you could expand on those so we would have some greater idea of what it was that caused the increases.

Finally, if I could put forward an un-called for observation—probably a totally un-appreciated observation—it strikes me, Mr.

Minister, you've said to the consumers of Ontario that with your appointment there will be a new understanding, a new appreciation of consumer protection in the province of Ontario. What we always had before in Ontario, from your ministry and from your government, was no talk and no action. That's one thing. But are we going to get from you a lot of talk and no action? That's something else.

A lot of what you've said appeals to members over here. A lot of what you've said will be supported by members over here if you go ahead and do it. But it's one thing for a minister of the Crown to say nothing and do nothing because you've raised no expectations; we understand when we get no action. But a minister who says to the consumers of Ontario: "Action there will be," and doesn't follow through, that's something totally different.

I want the minister to understand, and if I speak only for myself, so be it, that I appreciate the commitment to action you've made. I congratulate you for it, but we're going to be watching very carefully to make sure it isn't a hollow commitment, an empty commitment, like so many commitments we've seen from that side of the House.

Hon. Mr. Grossman: I'd like to take a few moments to reply to so many matters referred to by both members, the member for Sarnia (Mr. Blundy) and the member for Hamilton Centre. They are matters which will be properly discussed in detail under the appropriate votes. I would like to deal for a few moments with some of the remarks of a more general nature.

The member for Sarnia talked about the need for further consumer information. He suggested we don't go far enough and that most people have no knowledge of the Act. This was referring to the member for Hamilton Centre, who likes to sing as well.

Everything we see and understand—and we do work hard in finding out how successful we are in letting people know about our programs and the protection we provide them—indicates the members are really overstating the case, or understating as the case may be, in the sense they're exaggerating. The fact is a lot of people out there understand them.

The numbers of phone calls we get in a year don't come from people who are just picking up the phones and dialling blindly. They're calling because they know we're there. They're calling because they know there are some remedies out there and although they may not have the specifics

of the remedies they may be able to exercise, they do know there is someone there to tell them what to do. They're getting a lot of guidance from our little red booklets which get wide distribution.

Having said that let me also acknowledge, as I indeed have before, we have identified some gaps in the information available out there, or at least being received out there. We're shifting the focal point of our campaigns to let people know what their rights are onto the groups which need them most, as I said in my opening statement; the elderly, those at a geographical disadvantage, the disabled and infirm and those with a language disability. We are shifting in that sense. We think there will be a marked change over the next little while.

The member for Sarnia referred to the aluminum wiring inquiry. He said it was a bit of a joke. I would urge the member to be a little restrained. I suspect he has not attended the hearing himself. I suspect he is hearing second and third hand what is going on. It's awfully hard to tell from a distance.

[8:15]

If the report comes in and he is dissatisfied with it at that time, surely that's the time it would be relevant to comment on the report itself and reflect back on the proceedings. But to prejudice it in the way he has does little good in terms of what's going to happen from here on in. It is not going to engender any public support for the process still going on there.

It would be more appropriate if we waited to see the outcome. Then the member, of course, is free to pass judgement upon the outcome. He may do what our friends in the third party do and cry "whitewash" before it's appointed, while it's being heard and after the report comes out, but I would have expected the member for Sarnia at least to say: "I have such and such concerns about the ongoing thing," and reserve judgement with regard to an all-embracing condemnation or otherwise of the hearing until the report comes out.

We are optimistic. We think we have good people on board there. We think they are doing a fine job, working hard at it and I am convinced we will get a good report. The member for Sarnia urges we act upon the report. Having said the hearing is a bit of a joke, he then went on to say he hopes it will be acted upon. Well, presuming it's not a joke—and it's not, it will be a good report—I can assure the member we will be giving it

urgent attention as soon as the report is filed with us.

The member for Hamilton Centre likes to keep harking back to my predecessor. He says nice things about me interspersed with nasty things, but I don't mind that so much as the fact he keeps harking back to my predecessor. I want to tell the member for Hamilton Centre—

Mr. Davison: I simply have a sense of history.

Hon. Mr. Grossman: —my predecessor laid the very important groundwork for whatever progress we may be able to make in the next few years. My record and that of my ministry over the next few years will be open and available for everyone to assess and judge. Regardless of the job we do, I know in two or three years' time the member will be criticizing my performance and the performance of the ministry over that period of time—

Mr. Samis: You couldn't be any worse than Sidney.

Hon. Mr. Grossman: —and so be it. The fact is I want to state now before I have a record on which to stand or fall in my ministry, whatever success we do have over the next few years in opening new vistas, in areas where we may show some new initiative, in doing a better job, for consumers than has been possible up until the present time, will be directly accountable to the foundation laid by my predecessor.

It's a young ministry and the administrative and legislative background upon which I can work today is very important to me. I couldn't be standing up here talking about some of the initiatives I have been able to talk about, some of the legislation I hope to get into in the next year, without the excellent work done by my predecessor. He may not have been flashy enough for some of my friends opposite, but they may learn, I suspect not, but they may learn in their leadership contest, flash isn't everything.

Mr. Conway: Frank Drea will be long since moved out.

Hon. Mr. Grossman: And you will find the very substantial groundwork he laid will pay enormous dividends over the next few years. If it works well, I will have the enormous benefit of that groundwork—

Mr. Samis: You have done your duty now.

Hon. Mr. Grossman: —to be able to take some of the kudos he should properly be taking at that time. But I am happy to stand here tonight and say he deserves a lot of the kudos if indeed they come over the next few years, for the work he did, the back-

ground he established in this ministry and the very fine way it's operating. I am very proud of the estimates I lay before you today and the framework, the administrative framework, the legislative background I am able to stand here and talk about, was not put together in the last two months since I took office. Certainly not. They were being worked on over the last several years and it's an enormous credit to my predecessor for having laid this groundwork.

Mr. Conway: We want Frank Drea.

Hon. Mr. Grossman: The member for Hamilton Centre was kind enough to refer to some of my mail he answered in the Niagara Falls paper. He was kind enough to inform that citizen of Ontario that yes, the ministry was spending \$78 million on consumer protection and they weren't getting their money's worth.

I am sure in the name of honesty, fairness and full disclosure, which I think is important to this ministry when we talk about how business should be carried on, the member went on to point out the business practices division is \$2.6 million, not \$78 million. I am sure he did that. It was perhaps in the following week's letter to the press.

I am sure he also pointed out that some of the problems complained of by that consumer would have been covered had the house been built after the home warranty plan passed by my predecessor and run by HUDAC came into effect. I am sure he pointed out that piece of consumer protection is now in place.

I am sure he also would have pointed out that it would be in order, in very many instances, for any federal or provincial government not to put itself in the place of an adjudicator and decide when and who is going to go back to work; to sit and say, "You are to go back to work and do this." We think the scheme implemented through the home warranty plan does it very effectively. But there are certain bounds to what they can and cannot do as at a certain stage you become a court. At a certain stage you in fact deal in matters of substantive law. That is the point at which the consumer protection of this ministry must draw a line and let the parties go at determining, in the courts of law, what are often very complex legal problems.

On the subject of rent review, the member for Hamilton Centre referred to his colleague, my friend the member for Riverdale (Mr. Renwick). I must say I am very disappointed to hear that last year the member for Riverdale rolled on as he did about

rent review. I thought he was, to say the least, extreme in his remarks—if the member read them properly. I look forward to our discussion on the rent review program to determine whether in fact the rent review process operates in the fashion suggested that night by the member for Riverdale. Having heard the remarks, I am rather convinced they were in the evening.

The member also referred to the matter of the gentleman from our ministry who was charged with regard to the Travel Industry Act. I am sure the member will appreciate it is a matter before the courts. He has been charged, and I am certainly not going to prejudice his case by referring to it or giving any details whatsoever. It would be totally improper for me to do anything else.

The member also asked, somewhat simplistically, to tell him what programs had been stripped down, dropped, considered, abandoned, whatever.

If he was listening to my opening statement, I indicated we are reviewing all the initiatives we could possibly take over the next few years in my ministry. We are not eliminating any alternatives. That takes in the whole vista of consumer activities; it takes in all the problems that business faces in dealing with too much regulation and too much bureaucracy. Over that whole range we are into an in-depth investigation and study over the next couple of years.

As I stated, I believe we can do an effective job within the budgetary restraints in effect in this province. I am proud of our ministry; I think we can do the job effectively. There will be a minimum number of times when I will be standing here leading off for the sake of budgetary restraints. When I am, I'll tell you. You will know, and you can make that assessment yourself at that particular time.

Now for the good news. The member for Hamilton Centre will once again be astonished that I am not all talk and no action. He was astonished there was action when it came to the tax discounters; he will be astonished, perhaps tomorrow, with some more legislation.

Mr. Conway: Tantalizing.

Mr. Davison: Let's hear it.

Hon. Mr. Grossman: He will be astonished now to hear this: Next year we will have an annual report for you.

Mr. Roy: You will have what?

Mr. Samis: How come Sidney never brought one of those in?

Hon. Mr. Grossman: Before we get to No. 80 on the private members' bill ballot.

He also referred to the fact that my ministry was scattered all over the city.

Mr. Conway: Hell's half-acre.

Hon. Mr. Grossman: For a moment I thought he was going to suggest we consolidate all the registry offices in the province, and I know which I was going to recommend we consolidate first. But he didn't quite go that far. What he did was cite various branches within the city of Toronto; he may even have missed a couple.

Mr. Davison: You are not going to close down anything in Windsor, I guess.

Hon. Mr. Grossman: But I want to tell the member, again we are ahead of him. Again we have action, not talk.

Mr. Samis: You were saying that six months ago.

Hon. Mr. Grossman: All our branches will be at our new head office complex at Yonge and Wellesley before April 1, 1978, except the ones I am going to tell you about now.

Mr. Samis: That is not ahead of him.

Hon. Mr. Grossman: They will be in our new head office complex comprising the three buildings. The Securities Commission moved from our building into 10 Wellesley Street East last week. There's our building, 555 Yonge Street, on the south side of Wellesley and the building next door to ours, 543 Yonge Street. Those three buildings will be consolidated with many of the branches of my ministry which are now scattered throughout Metropolitan Toronto.

There are some that will not be consolidated. Obviously, the liquor branch will remain at its very large and necessary premises on Lakeshore. CRAT and the Liquor Licence Appeal Tribunal will remain at 1 St. Clair. We think that is perhaps appropriate in view of the necessity to have them be and seem to be somewhat objective and removed from the day to day administration of my ministry.

The Registrar General is in the Macdonald Block—obviously that operation is well established there. It's a convenient place for the public and all the facilities are there. That will remain.

The rent review boards: Those are in temporary locations which we'll get into towards the end of our estimates. They will be staying where they are, and we think that's appropriate as well from the standpoint of consumer access.

The theatres branch: They have a big auditorium on Millwood Road and I know

you wouldn't want us to spend money just to build a big theatre downtown so that I could jump downstairs and see, at my leisure, the movies that the member for Sarnia was complaining about. So they'll be staying on Millwood.

The technical standards branch at 400 University will relocate in our building at 555 Yonge Street as soon as possible.

All the other branches talked of by the member for Hamilton Centre as being spread out throughout the city of Toronto will be consolidated into the three buildings I referred to, within walking distance of this building, by April 1, 1978. This is a reduction of six locations throughout Toronto.

I can't resist adding for the sake of the member that that of course was accomplished by my predecessor, the member for Carleton (Mr. Handleman). I know the member for Hamilton Centre, having complained about the fact that we were spread out throughout downtown Toronto will, next time he rises in these estimates, take a moment to acknowledge the contribution made by my predecessor in solving one of the things he complained about so that I won't be taking credit for myself. We can properly give the credit to my predecessor.

Mr. Conway: We know you will disclaim any undue credit.

Hon. Mr. Grossman: You can always be sure of that—me and the Ombudsman.

On vote 1401, ministry administration program; item 1, main office:

Mr. Roy: I'd like to make a few comments on the estimates of this ministry and to the minister personally. I was interested in listening to his comments, first of all, Mr. Chairman, in relation to his predecessor. He was very kind to him. I guess that's in form. That's a good way to carry on the tradition, be kind to your predecessor. Of course—

Hon. Mr. Grossman: You aren't even kind to Vern Singer.

Mr. Roy: Sure, I'm kind to everybody, you know that.

One of the things that makes it difficult for critics of ministries is when we're facing new ministers. Sometimes it's difficult to keep a relationship on ministerial responsibility because they can say, "Well, it was my predecessor." We've had that over a number of years, Mr. Chairman, and it's been difficult to get at a particular minister.

But I do want to wish this minister the best. He has given evidence of having some pizzazz. Of course, taking off after the income tax discounters was a popular move.

I sort of get a kick out of some of the new approaches by these new young ministers who are with it and are attuned to some of the things that I might call politically jazzy or sexy—if that's parliamentary, Mr. Chairman.

Mr. Chairman: It seems to be common.

Mr. Roy: So I find that some of the comments, some of the approaches taken by this minister, are interesting. I think he follows in a long tradition of good politicians in his family and I suspect that the minister has the right sort of tone, the right sort of measure, to be very successful. I hope that, like many ministers, we don't get more form than substance, that behind the nice gestures, behind the poses that we do get concrete policies that are in the best interests of the people of this province.

[8:30]

In that respect, you are going to have a lot of competition from your colleague who just went into another ministry, the Minister of Correctional Services (Mr. Drea).

Mr. Conway: The only progressive over there.

Mr. Roy: It is going to be interesting to view the competition of these ministers. I would like to ask this minister, Mr. Chairman, speaking on broad general policies within his ministries, certain questions I think only he can answer.

I think something we should ask every minister as we face him across the House is about restraints in this province. We are talking about cutting this and cutting that. We are crying, for instance, that in Ottawa we need a new court-house; we are told we cannot have it. Some place else they need new facilities for this and they cannot have it. All capital works for all intents and purposes are cut, as the government looks for areas where there can be restraint.

Of course we in the opposition are very keen, very interested, in helping cut some of this red tape. We are keen to help you cut money and really have a sense of priorities so the moneys spent are in the best interests of the people of this province. To do that you sometimes have to cut to the bone in certain areas. I would think in each ministry we should look at public relations; how they get PR going and the amount of paper distributed by all these ministries. My God, if I stay away from my office one week, and you know that doesn't happen very often, but if that should happen I am deluged with paper on my desk. I don't happen to have the last copy of what is called Interaction, which is a piece of PR propaganda from the ministry,

but the last one I saw had a picture of the minister, a nice picture of the minister smiling.

An hon. member: With his new glasses.

Mr. Roy: That's right, with new glasses and all, and he just looked great.

I am just wondering why we need that? Surely you don't need within your ministry, PR to advise your officials that you are now a minister? I mean you could send just a little piece of paper, just one little piece of paper saying, "Hi! I am Mr. Grossman."

Mr. Conway: Allan's boy.

Mr. Roy: Yes, Allan's boy. "I am the new fellow around here and I am a very approachable guy." I think he is. "I have a nice smile. I would like to meet all of you." I thought I should look at some of this with you. Do we really need this Interaction?

Mr. Samis: The godfather is upstairs right now.

Mr. Roy: I would like to welcome him here. I think he will be very pleased by the performance of his son, because he is doing well. I am sure after this is over the father might have a bit of advice how you can sharpen up on this and sharpen up on that.

Mr. Baetz: By not listening to you.

Mr. Roy: I would like to ask the minister why do you need Interaction in your ministry? I know it is great to see your picture on it—

Mr. Bolan: Propaganda, just propaganda.

Mr. Roy: —but surely you don't need this type of propaganda? I would like to know, for instance, how much you spent, how much this costs. If each ministry, Mr. Chairman, was to look seriously at the PR going on within their own ministry, you would be surprised at how much money is spent. In fact, there was a report recently by some expert who looked at the propaganda machine and the whole apparatus of government—it was Mr. Martin, was it? He had serious reservations about all the PR and all the propaganda floating within the ministries and from the ministries into the province.

You know, I think we have got to start some place. I think we have got to look at some of these things. I am sure you will give serious consideration to some of these things. I don't imagine every issue will have your picture, but that should not matter, you should wonder is it necessary to have all these things within the ministry.

I am looking at an issue dated June, 1977, which announced the appointment of

Mr. Butler as your deputy. I guess Mr. Butler is sitting there, you have this picture here without the glasses.

Mr. Eakins: Does it look like him?

Mr. Martel: As bad as Alan Lawrence.

Mr. Roy: Yes it does, in fact, look like him.

In view of the recommendations of Mr. Martin, I think you should seriously look at this and look at a lot of the other paperwork that's floating across here. I'm convinced a lot of it is unnecessary. I just look at all the press releases, not only of your ministry but of other ministries, that end up on our desks in the press gallery, et cetera.

Mr. Conway: But he's not as bad as Claude.

Mr. Roy: No. Whatever you do, don't read or follow Claude's style in his speeches.

Mr. Samis: And he's getting dumb.

Mr. Roy: So, I want to ask the minister Mr. Chairman, do you think you can cut out some of this stuff, some of this paper? Do you think that might be good? You know in the Frank Drea style of thing you might just make an announcement in the House, come in with a pile of papers and say, "Next year you won't see all these things. I'm cutting this out." Indeed, you'd probably get more press and PR out of that than from all the Interactions, printed, I understand, monthly.

I raise this, Mr. Chairman, because in each ministry we keep seeing these things. There's paper floating around the self-agrandissement du ministere, if I can use a French phrase to the minister, or some of the officials within the ministry. I'd like to ask whether the minister might not give that some serious consideration?

The other thing I want to point out is on a question of broad policy if you're looking to give leadership to this ministry.

Mr. Conway: Is he running for leadership too?

Mr. Roy: I don't know, he may well be. You know it's going to be interesting.

I want to say to the minister some of the things that constituents are asking people like ourselves, their representatives, about the insurance field. That's a broad policy field within the ministry you're surely going to have to set some guidelines. I was looking at the Minister of Transportation and Communications (Mr. Snow) who is next to you. He's been bragging about all the cutbacks in accidents, especially in serious accidents, since seatbelts have come into

use and with the reduction of the speed limit. There's been a tremendous reduction of serious accidents, deaths, and even minor accidents since this legislation was brought forward—at the initiative, I might say, of the opposition.

You bring it forward and you cut back on these things yet there seems to be no cutback in insurance rates. Surely there should be some justification on the part of insurance companies for keeping the current rates if they're getting these tremendous cutbacks in claims. If there are cutbacks in the number of accidents, injuries, deaths and the amount of property damage, why aren't the rates going down? It seems to me a fair question. As a matter of broad policy you may, as minister, ask the insurance people why that is? It seems like a fair enough question.

Maybe you could start by answering these two very minor questions?

Hon. Mr. Grossman: I thought the member's remarks were interesting, because this afternoon while the member was out I was hearing we don't do enough to publicize the works of the ministry. What the member may not know is the publications to which he's referring, both the one with my picture on it with my old glasses and with my deputy with his new glasses, are publications which go far beyond our ministry. They are not publications just to tell each other we're great people.

Mr. Roy: I know they end up on my desk.

Hon. Mr. Grossman: We think you ought to know what's going on in the field of consumerism as well and we know you relay it to your constituents. We are relying, in fact, on you helping us to promote the things our ministry can do and the legislation about which we've been talking. Your colleague, the member for Sarnia (Mr. Blundy) was referring to the difficulty in getting this information out to the public, and therefore we send them out to all members in the hope they will help us do the good work, in this period of restraint, through their constituency offices and through their personal contacts, so that next year, the member for Sarnia can speak and say, "Well, we've made some yards."

I will at that time refer to the contribution made by his colleagues if you promise to do that with that document; if not we'll save some money and not send it to you.

Mr. Roy: You figure that's necessary, all that paper?

Hon. Mr. Grossman: Yes. We've been through all those communications. I think

you'll find they have a lot of substance in them. I think you were showing me Interaction. Is that the one you had?

Mr. Roy: I'm looking at June. It says: "Rescinded under the BP Act."

Hon. Mr. Grossman: The Business Practices Act. You see, it may even help you in your law practice. It is not an internal government document, it is directed at the educational community. It carries articles and quizzes, information relating mainly to the Business Practices Act you referred to. The circulation is 30,000 per issue, it gets out pretty widely. It is a resource used in schools and community information centres; which we're expanding, as you know, throughout the province. We think it is an important piece.

I might add that we think it's important that the people spread out through our many operations throughout the province, the registry offices and so on, know what is happening here in Toronto. I'm going to try to get out to visit as many as I can, but we do think it's important they have some contact with what is happening here in Toronto so they don't feel far removed from where the bulk of the expenditure may be. That is dealt with through another publication called Intercom which you may also have referred to.

Mr. Roy: You mean that's not the only one?

Hon. Mr. Grossman: I might tell you so that you'll have the information—even though it's not under this vote, it's under vote 1401, item 5—but just so you'll have it in case you're not here, I want you to know that Interaction, the one you've got, costs only \$1,160 per issue—

Mr. Conway: Only?

Hon. Mr. Grossman: —and Intercom costs only \$450 per issue. And in view of the very important information it conveys and the wide distribution it gets, and it is fairly wide distribution. What you see here is only part of it, so that members of government and members of the assembly will know what is going on, quite seriously.

It's usefulness is what you make it, I might add. My colleagues do a lot with the information they get. You get the same information and you'll have to account to your own constituents for what you do with it.

The member for Sarnia was pointing out earlier that perhaps we should do more in the way of television advertising to convey the works of the ministry. I suspect that it

might cost a little bit more than \$1,160 per shot.

Mr. Roy: If you get your picture on there it might be worth it.

Hon. Mr. Grossman: It might be, but we won't schedule it just prior to the election and upset you.

In any event, I want to assure the member and the House that each of these publications is, we think, essential. A lot of work goes into them; they contain a lot of valuable information. If you read them you'll see that it helps us convey our message with regard to what we're doing, what rights consumers have. The distribution is pretty good. We think it's a pretty good-looking document in spite of the fact that my deputy and I appear on it from time to time.

With regard to insurance, let me say that we will, of course, get into the specifics of it under that vote. Generally speaking, I think you'll find that in terms of the broad policy of the ministry, insurance companies have their proposed rates looked at by our staff. Our staff calls them in when the rate appears to be out of line.

I think you'll find when we discuss it that the argument by the insurance companies will be that the rates would have gone up a greater degree but for the reduction in the number of accidents. I think you'll also find them saying that with regard to only the very recent insurance rate adjustments—that is the ones in the last few months—have they been able to have figures related to the period after the law was brought late in 1975 on which to assess experience for the full calendar year of 1976, which of course is the basis on which they project next year's likely insurance costs.

I think you'll find two things. First, it's still early to evaluate the assessment in terms of its direct effect on claims. They just completed 12 months of the seatbelt thing and have been assessing the statistics.

Secondly, I think you'll find—and we'll have the information for you on that vote, I have it here but I think we should wait until we get to the vote—but in terms of the broad policy of the ministry, the rates obviously did not climb as much as they might have done but for that mitigating factor which kept them down. The rates this year, as always, were looked at by the Superintendent of Insurance. Sometimes downward adjustments are made as a result of those discussions—whether this particular year is one of those or not, I can't—

Mr. Roy: You are saying it is too early with the figures?

Hon. Mr. Grossman: No, I say now I suspect you will find that on the rates in effect now, we've just had a first run-through at rates which would have been affected, just recently, by the statistics that my colleague, the Minister of Transportation and Communications (Mr. Snow), talks about. Obviously, when the seatbelt legislation came in in 1975—was it 1975? I guess it was the fall of 1975.

Mr. Roy: It was after the election of 1975, it came in the fall of 1975.

Mr. Chairman: Order.

Hon. Mr. Grossman: It was in the fall session. So the first full year would have been 1976. They collect the figures and put them through to project what the likely experience is for the rates they'll be charging in 1977 for 1978. They'll charge in 1977 for their expected experience in 1978. We've really now had the first run-through on the basis of that experience. We'll deal with that more specifically, and perhaps we'll be able to get you some figures supplied by insurance companies. I'll give you what they supply, showing what the projected rates might have been but for the decrease.

Mr. Roy: If I might follow through on that, Mr. Chairman, I want briefly to complete this. What concerns me about this publication is that he said it only cost \$1,100 per issue. That's \$13,000 per year.

Mr. Conway: Almost as much as your last raise.

Mr. Roy: The thing I get annoyed with is that I never see an opposition member's picture on this stuff. It would be nice to see the picture of a critic once in a while. You could say, "These are the new critics of the Ministry of Consumer and Commercial Relations," or something like that, to let the civil service know that if they have any complaints they can address themselves—

Mr. Davison: Spare us.

Mr. Samis: Look at the colour.

Mr. Roy: The only thing that's impartial is the colour, and I'm not sure it's always red.

Mr. Martel: It will change next time.

Mr. Samis: You will be reprimanded for that.

Mr. Roy: In any event, it seems to me this type of propaganda is always slanted favourably to the minister. I keep seeing ministers' pictures on these publications. I would have thought I was giving the ministers an ideal opportunity to make a meaningful gesture within the publicity or the

propaganda apparatus of various ministries, or his ministry.

Mr. Conway: Another headline missed.

Mr. Roy: Yes. You missed another headline.

Mr. Conway: Trying to win this hands down?

Mr. Chairman: Order. I would like to remind the members who aren't in their own seats that the tradition here is that they speak from their own seats.

Mr. Roy: That's one side of the picture. I don't know whether you've been asked this in the House, but about a month ago your ministry was severely criticized by a professor at Osgoode Hall, Edward Belobaba.

Hon. Mr. Grossman: Let's deal with it under that vote.

Mr. Roy: Under what vote?

Hon. Mr. Grossman: Business practices, 1402.

Mr. Roy: Business practices.

Mr. Martel: Aren't you going to be here on Friday, Albert?

Mr. Roy: He's trying again to direct me, Mr. Chairman. I was going to say that on the one side I find this internal publicity is exaggerated, and on the other side an important piece of legislation, according to the professor at Osgoode Hall or—at least, he wrote in the Osgoode Hall law journal—is not well known even to members of the legal profession.

Hon. Mr. Grossman: He hasn't been reading Interaction.

Mr. Roy: I'm sure the legal profession, or the judges who are supposed to be enforcing this Act, are not seeing this publication. It might not be a bad idea. It wouldn't cost all that much money to get together with the Law Society of Upper Canada and advise the legal profession so they could advise their prospective clients about this Act, or even advise the bench. That's what concerned me. He went on to say:

"What this reflects is a weak commitment by the Ontario government to a meaningful program of consumer protection. Unless something is done to publicize the Act, the consumers may start to realize that the government has been the biggest consumer fraud around."

That's strong. But he states, for instance, that only two judges had heard of the Act. That's pretty bad when even your judiciary hasn't heard of this Act. Possibly on the

one side where you are extremely weak, and I appreciate that, you wouldn't have to send your picture along with the publicity.

Hon. Mr. Grossman: Can I send yours?

Mr. Roy: Yes, you can send mine if you like, and my business card along with it, and advise them of the existence of the Act. I found this situation somewhat ironic. On the one side there is all this publicity, and on the other side it appears the consumer, the judiciary and even the legal profession are not aware of an important statute emanating from your ministry.

Hon. Mr. Grossman: To respond quickly, of course that's precisely why we have these relatively inexpensive communications.

Mr. Roy: Which aren't doing their job.

Hon. Mr. Grossman: The member will probably now be critical of us when he finds out we have only had four of those minimally expensive publications in two years. Only four in two years.

Mr. Roy: Do you only have them when deputies and ministers change?

Hon. Mr. Grossman: Now we don't have enough. Now we don't have enough, right?

Mr. Martel: When you get a new minister, you send down a new picture.

Hon. Mr. Grossman: It's fair to point out you don't see the opposition critics in there, but you also don't see other government back-benchers or cabinet colleagues of mine.

Mr. Roy: I hope not.

Hon. Mr. Grossman: Of course not. We do it very carefully and judiciously, letting our staff and the public know who is responsible when there is criticism to be levied, who is responsible for the running of the ministry, to whom to bring complaints, to whom to bring good ideas and what indeed we look like, so when I am walking down the streets of Ottawa as I will be one day in January this year, perhaps someone will stop me and tell me—

Mr. Samis: Be careful.

Mr. Roy: They will ask you if you are Pierre Trudeau.

Hon. Mr. Grossman: —some of the problems the consumers are having in Ottawa. Now, as I say, we will deal with Professor Belobaba at length in vote 1402-6. I will have a lot to say at that time—and if it's not on a Friday morning, perhaps the member will be here and be able to hear that.

Mr. Martel: You will be back next Monday or Friday. It doesn't matter.

Mr. Davison: Mr. Chairman, acting on the minister's kind advice, I would like to thank

his predecessor for managing to commence the process of bringing in the sheep. I would also like to thank the incumbent minister for his understanding of the need for an annual report. If you could think of some of these things on your own, Mr. Minister, it would help a lot.

Hon. Mr. Grossman: I did.

Mr. Samis: Which one?

Mr. Davison: It would keep me less busy.

Mr. Martel: Sidney doesn't want that one.

Hon. Mr. Grossman: You can't keep up to them.

Mr. Davison: I wonder, Mr. Minister, if you could address yourself to two of the points I raised in my opening statement to which you have yet to respond. One is the question of the rent review officers' manual and will I, or will I not, get some kind of explanation about the abridged version I received, purported to be the manual? Secondly, I really wish that for the first time in some two years, if ever, the Minister of Consumer and Commercial Relations would address himself to the issue of small business rent control. People have been badgering you, your ministry and your government about that for the past couple of years: Why is it we have already managed to get so far into the estimates without a single mention by the minister of that issue?

I would like to have some idea of how you responded to the letter I read to you, a copy of which you have now had time to find in your files. I would like to know what kind of new initiatives you are going to take on behalf of those people in Ontario being gouged by those landlords, not only the small businessmen themselves, but the consumers who get it in the neck with higher prices.

Hon. Mr. Grossman: On the matter of the rent review manual, I want to assure the member before we get to the rent section of these estimates, I will have a full and complete answer for him. I am assured at this time the member was given everything we had. He was given everything that we had. I'll have a more complete explanation for the member when we get to the rent vote in these estimates.

I really urge the member that when he finds something missing from the manual or whatever—he has had the manual for some time—that he would first write us and ask for the missing sections, point out that there are some sections missing, rather than rise and say that he is suspicious of what has happened. If he had written us and had received an answer which he felt was unsatisfactory, then perhaps he might have had some justi-

fication for being suspicious or stating he was suspicious. I would hope that he would first inquire after the missing documents and then pass judgement upon the procedure we followed, rather than to presume there was something awry, something wrong in the fact that some sections were missing. But we will get that full answer for you.

With regard to small business rent control, I want to say that what we have in my ministry is a singular responsibility in terms of rents, and that is with regard to residential tenancies. It's a specific program referred in to my ministry on the subject of residential rents. That's my responsibility and that's what I will discharge. The government may have a policy on the subject you raised. I certainly have my own private opinions, reflected in the letter I wrote to the local alderman from my area which the member read into the record. At the present time my mandate is residential rental premises, that's what we are going to administer.

At the present time, no, I do not have any legislation under consideration in my ministry to go into the area of non-residential rent control.

Mr. Davison: If I might seek further clarification. I apologize, Mr. Minister, for raising with you an issue in a public forum when you think it would be more appropriate for me to deal with it by letter or by telephone. Let me tell you that mail around Queen's Park is not answered in the speediest of fashions, and we sometimes get involved in **lengthy delays—not particularly** with your ministry, but with all ministries around here. I understand the reason for that. I don't say that by way of criticism, but it does indeed take some long time, sometimes months and months, to get a response from ministries to letters.

The telephone is not any great deal better. I might tell you that in regard to this very manual, it took my office weeks of telephone calls before we got this manual in the first place. I apologize if the minister is sensitive about talking about the manual in a public forum. But that's just too bad.

On the question of small business rent control, does your response also apply to other initiatives? Does that mean that when you have policy covering a specific field in a larger field that you won't move upon new policy on your ministry's own initiative, that the initiative has to come from somewhere else, such as from the opposition? I don't understand what this lethargy is with your ministry.

Why is it not possible for you, as a minister, to see a problem from your own con-

stituents, to hear of a problem from your own constituents, to hear of a problem spoken about in this House, to see as a minister and as an individual the damage done by a problem, and then take action upon it?

Is this a general policy statement that you have made, that in no field will you move on your own initiative to protect consumers, or does that apply only to small business rent control? I see absolutely nothing to stop you from introducing that kind of legislation, and I would appreciate some further clarification.

Quite frankly, there is not a great deal of sense for those of us in the opposition to press you to bring forward legislation if there is some stricture on you that stops you from bringing it forward. We don't mean to harass you unduly, Mr. Minister. We mean to be kind to you, and if it is just not possible for you to bring forward legislation in new areas, to take new initiatives, tell us about it. Should I be talking to the Premier (Mr. Davis) about this problem? Is he the person we have to deal with?

[9:00]

I'd like to see some action taken to protect our mutual constituents in the province of Ontario. If the minister can't provide the initiative, tell me who in the government can and I'll talk to that person.

Hon. Mr. Grossman: Mr. Chairman, firstly, I want to say it's enlightening to hear the member and his party have some real concern for the problems of small business and businessmen. In this case, because some of these small businessmen happen to be tenants, they fall into the tenant category and hence the concern they suddenly have. We over here, you see, have an ongoing concern for the health of the free enterprise system and business generally.

I want to tell the member we see a lot of things happening out in the marketplace affecting small businessmen, including those who own the premises they're renting to small businessmen. We also see there is a pretty substantial vacancy rate in terms of most store and retail premises. I think if the member will go back and read some of the things his own party has said on the subject of residential rent controls, they're talking a lot about only having a strict rent control program for the period of time in which there is no vacancy rate.

There is indeed a rather large—perhaps startling—vacancy rate in the area of retail premises. I can't quite put together the two contradictory positions there. My party doesn't have a contradiction in that sense. We don't see the need for a whole system of

retail and commercial rent control simply because there are and indeed there always will be those cases in which some landlords treat their tenants unfairly.

By and large, at the present time, it wouldn't seem to me to be an appropriate time to be screaming for commercial rent controls when indeed, if anything, it's the leasees market, not the lessors market. Most lessors are happy to get any retail or commercial tenant who will pay the rent and be in business a year from today. However, if you wanted to see a situation where you didn't have that vacancy rate, and you didn't have that competition for the retail store, one sure way to do it would be to plop on the type of rent control system we on this side of the House frankly are trying to withdraw from in terms of residential rents. I know the third party will be grappling with this problem with me over the next period of time, having now recognized—as I know they do—the very real problems never-ending rent controls have.

It may read well in Hansard for your constituents but it is not going to be very constructive in this set of estimates to presume that because I or the government or my ministry says we don't identify a need for a system of commercial rent controls, it means we're never going to act on any consumer problem we get. You can do it if you want. I wonder if the member is in a position to state tonight, for example, that his party's position is we need commercial rent controls, the ones he is asking for. If that's the case, then I'm happy to say to him, my party doesn't believe in them. If his party does, I'd be happy to hear him say that and, as always, we'll know where we all stand.

Mr. Davison: Mr. Minister, there are some differences in political parties in Ontario.

Hon. Mr. Grossman: Is that one of them?

Mr. Davison: Some political parties in Ontario can set policy on the front bench in the Legislature.

Hon. Mr. Grossman: Some of them set it at conventions. You know what happens after that.

Mr. Davison: Other political parties set their policy at conventions. It's the members of the party who set the policy—not a few select members of the elite group.

Hon. Mr. Grossman: Keep doing it.

Mr. Martel: Not Eddie Goodman in the back room.

Mr. Roy: Yes, but you are trying to change that. The member for Scarborough West (Mr.

Lewis) doesn't like that. It's embarrassing during the election, he said.

Mr. Davison: I think the minister should understand that. But I think the minister should understand something else—and I don't know why it is so difficult to get it through to you: Toronto is not Ontario. Ontario does not end at the borders of the city of Toronto. I don't understand why that is such a hard lesson. Because something may not be a problem in St. Andrew-St. Patrick, it does not mean it is not a problem in Hamilton Centre; it does not mean it is not a problem in Thunder Bay; it does not mean it is not a problem in Ottawa. Ontario's borders are not the same as the borders of Toronto. Because you have a high vacancy rate in commercial buildings in the city of Toronto or in the riding that you represent does not mean the same exists throughout the province.

If small businessmen and through them consumers are not being ripped off in your riding and in your city it does not mean they are not being ripped off in my riding and in my city. I think it would be very pleasant if the minister would understand that reality of Ontario. There is, indeed, a need for some kind of protection in my riding. It is just not right when small businessmen are being driven out of business because they cannot afford to meet 60 per cent, or 100 per cent, or 200 per cent increases in their rent.

If that is right, if that is okay for the minister, if that is okay for the government, then our standards are different. I understand that. But that does not mean it is not a problem, and it does not mean that Toronto is Ontario.

I really do not understand how the minister is going to tell me if I have or I have not a complete manual without looking at it. I also don't understand why the minister may or may not have a complete manual. Do you have any idea what is going on at rent review? Does your manual also have the same shortages that my manual has? Why don't you take a look at my manual and compare it to your manual and compare it to something from rent review? I really don't think you can tell me whether or not mine is abridged or edited unless you look at it and I am willing to let you see it.

I would like to have some kind of response to that before we get into the rent review debate. I take it that the minister will respond to the questions about who should see it and who should not see it during the debate on rent review, which would

mean there would be no opportunities for my colleagues in the House to see the manual before the debate.

Hon. Mr. Grossman: Firstly, you have had the manual for two months, at least two months. Had you simply called us—you don't have to write; the phones still work—and said; "I am missing the following sections," we would have told you within the hour why you were missing them; whether they were in our book or not. I told you that I believe you were given everything we had at that time.

I have also told you we will get you a full and complete answer with regard to those sections if you want. We will get Hansard and see what sections you referred to earlier and you will have it long before we reach the rent review section of the estimates.

Secondly, lest you feel inhibited, let me assure you that you can show your copy of the manual—in the event you were waiting for my permission—to any and all of your colleagues, even some who are not with us any longer. Feel free to do that so that those in the House at least can participate with us fully and completely during the rent review vote. Don't feel inhibited. It is yours to show to your colleagues.

I am not going to belabour the other point that you referred to. You are suggesting that every time we find a ripoff, whether it is in Hamilton or it is St. Andrew-St. Patrick—these things happen from time to time in St. Andrew-St. Patrick; it is hard to believe, but they do sometimes happen there—I want to tell you that every time there is one, I am going to comment and say the government is going to take over that industry. The government would have to come in and put in a complete set of controls, so that when we find a lawyer ripping off, we would have lawyer controls. We would be running the lawyers and the doctors. I know you would not find that offensive but I would. We would find when a union has an extraordinary increase in terms of its wage settlement, we would, I presume, have union controls—

Mr. Davison: It is called wage controls.

Hon. Mr. Grossman: —and controls, of course, on the corporation that entered into that collective agreement. In fact, your colleague from Welland-Thorold (Mr. Swart) would certainly have us have coffee control and tea control and everything else.

Mr. Martel: Ah, that is nonsense.

Hon. Mr. Grossman: I know it is nonsense. I don't know why they keep at it every day.

Mr. Martel: What you are saying is nonsense. You might investigate something thoroughly for a change.

Mr. Samis: A green herring.

Hon. Mr. Grossman: The member for Hamilton Centre wants to make the case that we don't care about consumers. We don't care about them because he's got some instances of abuse—and, yes, there are instances of abuse. To say to the member that I don't propose to solve those abuses by bringing in a comprehensive system of commercial rent controls—which indeed even the member for Hamilton Centre is afraid to stand up and say he wants or his party supports—doesn't mean that I don't care about those abuses. It doesn't mean we don't do everything we can do about them and frankly I don't like the insinuation that we don't care. We do care about them.

One of the things we can do about them is to make sure that there is a healthy climate in this province so that the commercial tenant who gets put out of his premises by an unscrupulous landlord overcharging has a place to go to, other premises to rent. I can tell you one way to make sure he doesn't have a place to go to is to bring in an oppressive system of commercial rent controls.

Mr. Conway: Is that why Sidney quit?

Hon. Mr. Grossman: So the member does not think I have failed to answer the question, the answer is clearly that, no, we don't intend to bring in commercial rent control. We don't believe in it; we don't want it; we don't see the need for it.

Mr. Martel: You didn't see the need for housing control either.

Hon. Mr. Grossman: We do see a need, through the Business Practices Act and every other tool at our disposal, to make sure that no one is strangled by an inability to get some relief when he's being ripped off—

Mr. Conway: Is that why Sidney quit? Did Marvin Shore write your speech? It sounds like Marvin wrote that speech.

Hon. Mr. Grossman: —and by an inability to get another product, that is, other commercial premises, when he is faced with unscrupulous landlords. We care about the problem; the solution is not commercial rent controls—that's clear, unequivocal. Now if the member would like to be that clear and unequivocal about whether he wants commercial rent controls or not, it would be interesting.

Mr. Davison: Just one last question. I

wouldn't be suggesting it if I didn't think there was some merit in it.

Hon. Mr. Grossman: Do you believe in it?

Mr. Davison: But what are you going to do? Are you going to put out a two-colour brochure to tell them they don't have a problem? If you're going to answer it with a suggested remedy, what remedy do you have?

Hon. Mr. Grossman: Do you believe in it?

Mr. Davison: Answer that question, if you can't answer the other. Can you do something at all, or can you just sit on your hands and talk about consumer education?

Mr. Martel: I remember Irvine's speeches about rent control.

Mr. Davison: That's right, consumer education.

Mr. Conway: You haven't read the charter.

Hon. Mr. Grossman: He didn't understand it, Sean. He read it.

Mr. Deputy Chairman: Order, please. Order.

Mr. Davison: I am still trying to forget it.

Hon. Mr. Grossman: He was picking his post in the cabinet. He was too busy to read the charter.

Mr. Roy: We understand the charter, we didn't believe it.

Mr. Conway: I took mine, stamped it "White Swan" and used it accordingly.

Hon. Mr. Grossman: Well, at least you'll have a policy to work on next time.

Mr. Martel: It was too smooth.

Mr. Conway: Yes, that parchment—

Hon. Mr. Grossman: I don't want to get into a debate with the member for Hamilton Centre about it because I've told him what I think about it. He can't get himself to say anything more than it has merit. I'm telling him that it has no merit, so my position is clear. We don't want it. If the member wants it, that's fine he can stand up and say so. We don't believe in it.

What are we doing to protect consumers? I told him, we are making sure that we have a climate here; my colleagues, the Minister of Industry and Tourism (Mr. Bennett) and the Treasurer (Mr. McKeough), make sure there's a climate in this province—

Mr. Samis: From which country?

Hon. Mr. Grossman: —so that there are alternatives for the commercial tenant when the landlord rips him off so he has some place to move to. That, of course, is the reason we have residential rent controls; the tenant doesn't have an alternative.

Mr. Martel: You opposed it in 1975, you will recall that.

Hon. Mr. Grossman: Commercially they have plenty of alternatives and although you don't want us to take credit for the fact that there are a lot of commercial premises in this province, we will. I don't mind taking the credit.

Mr. Martel: You opposed it. You remember Irvine.

Hon. Mr. Grossman: But one way we'll have none of that is to go to commercial rent controls.

I'm finished debating that subject with you. I've taken a firm position on it. Maybe you'll even wait for that vote to come up.

Mr. Conway: Whatever happened to Irvine?

Mr. Martel: You didn't believe in rent control either, Larry.

Mr. Deputy Chairman: The member for Sarnia. If the member for Sudbury East wishes to enter the debate he can stand up and I'll recognize him.

Mr. Blundy: Right now I have the floor.

Mr. Martel: It is just nonsense I am hearing from over there.

Mr. Deputy Chairman: Order, please.

Mr. Blundy: Okay. Mr. Chairman and members of the committee, I would like to take you from the sublime to the ridiculous.

Mr. Gregory: You are the man who can do it.

Mr. Blundy: Thank you very much. I note on the first page—and I'm starting not at rent control, which is someplace down in our estimates, but right at the first page—the first page is activity analysis, main office. Under it I see Ontario Liquor Advisory Council.

[9:15]

Get this, Mr. Chairman. This is really interesting. The council was created in 1975 to assist the minister and to assess the effect of the government's liquor policies on the population of Ontario. What a wide range they have to work with.

Mr. Conway: The Minister of Consumer and Commercial Relations is in the liquor trade.

Mr. Blundy: Just think of the liquor policies in Ontario.

Mr. Samis: I'm trying not to.

Mr. Blundy: Think of the poor member for Sarnia, getting on the train on Sunday night to come down to Toronto. He goes to the bar car and, of course, has to buy two pieces of food. So what do I buy? I buy a

sandwich you would think was made from plastic from the chemical industries in Sarnia—

Mr. Conway: The federal government runs the railway.

Hon. Mr. Timbrell: I wondered when you would work that in.

Mr. Blundy: —or a bunch of potato chips that would certainly do justice to the rubber plant in Sarnia. In order to get a drink, that's what I have to do. This is really pretty ridiculous, isn't it?

Mr. Samis: Be careful about the sponge farmers.

Mr. Blundy: If I want to have a glass of beer on Sunday evening on the train, I should be able to do it without buying these phoney food parcels.

Mr. Conway: Another Catholic drinking on Sunday.

Mr. Samis: He's a true catholic with a small "c."

Mr. Blundy: Now to get down to the serious thing, Mr. Chairman, I would like the minister to answer a couple of questions about this particular section. What has been the advice given to the minister by this group of 15 or 18 people about the effects of the government's liquor policies on us poor Ontarians? Having had that advice, what has he done about it? Thirdly, how much is this costing the province of Ontario to have these people, two names of which in my opinion are quite suspect—I happen to know them—advising him so well on the liquor policies of Ontario? I think this is a very intriguing page and I really would like to have some more information on it, Mr. Chairman.

Mr. Conway: Another Tory pork barrel? Did they tell you you were your own liquor control board?

Hon. Mr. Grossman: Yes, I'm happy to report to the member the Liquor Advisory Committee performed a very important function, one he hasn't talked about, in the very difficult area of special occasion permits. In the area of special occasion permits, they were given the assignment—

Mr. Conway: Just consultants.

Hon. Mr. Grossman: —of studying the whole area of special occasion permits in which I know the member, coming from an area in which special occasion permits are needed and warranted from time to time—

Mr. Conway: It's an interesting part of the province.

Hon. Mr. Grossman: —will be very interested. They studied this with the very able

assistance, of course, of the Chairman of Cabinet (Mr. Henderson). I know the member will recognize the need for a constant review of the special occasion permit situation. Indeed, the first and major task given the Liquor Advisory Committee was to study the whole area of special occasion permits. They reported, I believe it was early last year, to the minister and as a direct result, there were substantial changes made last year to the whole area of special occasion permits and regulations. So they have made indeed a very substantial contribution to the liquor policy of the province in that special area. It was the specific task assigned them and I think they have performed it admirably and well.

Mr. Blundy: Mr. Chairman, I believe I also asked the cost to the province of Ontario of that valuable advice?

Hon. Mr. Grossman: There was a charge, I understand, to the Liquor Control Board in the first year and the only year in which moneys were expended on that committee. The sum in that year was \$50,000.

Mr. Conway: Shocking.

Hon. Mr. Grossman: The figure was budgeted but not spent. Not a nickel has been spent in the current year because they have not been assigned a task by the minister. Having not been assigned a task, they haven't spent a nickel nor have they been given a nickel. So the cost in this current year is indeed zero.

Mr. Conway: You might say something about what their function is.

Hon. Mr. Grossman: In the event we have need of their services—and indeed we might well, in view of the recent vote in this assembly—they are there. They are very qualified people with some special expertise in the field and we will know exactly where we are going in terms of the cost and the amount of input we require of them. We'll be able to assign them another specific task so we will be able to do it specifically, watching the exact expenditure involved and knowing what we're going to be getting for the money. On their track record, I would tend to believe if we assign them something, it will be well worth the money, but at the moment, there is no expenditure in the current year and no specific plans for next year. They are there at our beck and call if we require them.

Mr. Samis: Mr. Chairman, since the member for Sarnia has opened up a can of something and the the member for Renfrew North is obviously interested in topics of a stimulating nature, I would like to ask the minister about some of these bold new policy

initiatives. I recall, the day after he was appointed and annointed by others, reading the interviews in the *Globe and Mail* as to where he would be leading the ministry.

Mr. Conway: Studying the family compact.

Mr. Samis: The storm-trooper from Renfrew North won't let me get to the point of the matter, Mr. Chairman.

Let me say I congratulate him on the initiative in terms of the income tax matter, centralizing some of his services, but I want to get back to that first interview. I'd like to know where the bold new initiatives came from and on what they were based. There is the whole question of the baseball stadium in this city and some of the refreshments being provided.

I seem to recall the minister referred to the policy he'd be bringing in as the new minister, based on an experience he and his children had at one particular game. The implication was, those who didn't share his views were seemingly a bunch of drunks, a bunch of irresponsible inebriated fans, let me say, at these sporting events. In view of the fact the minister is so concerned about giving himself and his ministry a higher profile and a more progressive image; in view of the fact his predecessor had to bear the burden of a policy in which he obviously didn't believe; in view of the fact you seem to be trying to cast yourself as a progressive yet you've already declared your policy initiatives based on your personal experiences of a bad game, one ball game, I wish you could enlighten the people of Ontario on what you've based your policy initiatives in this particular matter.

Mr. Conway: Do you really belong to the WCTU?

Hon. Mr. Grossman: The fact is, if the member had really researched all the way back, he would have found out before—

Mr. Samis: I read the article.

Hon. Mr. Grossman: No, no, the earlier articles.

Mr. Conway: But Frank wasn't in the cabinet then.

Hon. Mr. Grossman: —the cabinet made its decision last spring, I was on record as stating I was opposed to beer in the baseball stadium. It was not simply a matter, as you always like to suggest, of the particular minister not really believing in what he's saying. At least this time you can't even suggest that. I always believe in what I say. In this case, even you can't say I don't, because it's there on record. I always believed there should not be beer at the baseball stadium.

Mr. Conway: At the Grey Cup it's called national unity.

Hon. Mr. Grossman: I want to tell you I have no hangup trying to prove myself a "progressive" by being against all censorship and being in favour of wide-open liquor laws. That isn't my idea of what's right or what's progressive and I'm not going to go headlong, as others sometimes feel it appropriate to do, in order to establish any sort of fancy progressive image. We stay in office over here because we do what's right and correct from time to time, without worrying about what kind of progressive or, indeed, Conservative image it may cast.

Mr. Conway: You're a minority government.

Hon. Mr. Grossman: So, along those lines, I want to tell you perhaps the use of the word "jerks" was inappropriate at the time I used it, but maybe not always.

Mr. Samis: It certainly was.

Mr. Conway: It was most intemperate for a teetotaler.

Hon. Mr. Grossman: It may have been inappropriate at that time; certainly the people sitting behind me at the baseball game thought it was an inappropriate word to use.

Hon. Mr. Timbrell: But not in the House.

Hon. Mr. Grossman: I certainly have never had that experience. In any case, I want to say quite seriously to the member that I am—

Mr. Martel: A temperance man.

Hon. Mr. Grossman: —a season-ticket holder down there. It is on the basis of personal experience at the CNE, at Maple Leaf Gardens and in some American ball parks, and I have really without exception found from personal experience that the situation in some of the American ball parks is unwarranted. There are obviously occasions of drunkenness. It does occur. I don't think it's healthy or necessary to have it going on—this is why I brought my family into it—in a place to which I am going to take my young children on a family outing to a ball park.

I have to ask myself, what social benefit do you gain by extending—let's remember it would be an extension of the liquor laws; we didn't restrict the liquor laws, what was asked for was an extension—the current liquor laws in Ontario in view of the expense it would cause.

You would obviously have incidents of drunkenness at the baseball game—not a lot of them, but you would have some. It would

obviously be in some instances an intrusion on other people's Sunday afternoons, on the other people who really wanted to use that special place as a family outing.

I happen to think this is rather important and very relevant, particularly in view of the votes cast here a couple of weeks ago on the matter of the drinking age. There is a lot of sentiment expressed on the effects of alcohol on our health and the situation on the highways in this province. I drive down to the baseball game here in Toronto and at the end of a long Sunday afternoon, quite seriously I do not look forward to getting back in my car knowing that, if there are 40,000 people there, perhaps 10,000 of them may have driven to the game and say if 10 per cent of them had a couple of beers, they are not drunk but they have had a couple of beers. Is it so socially important that I extend the liquor laws to let some people enjoy a beer in the Sunday sun—not the newspaper—that perhaps 1,000 to 1,500 of them get back in their cars with a couple of beers under their belts and drive home either on the Queen Elizabeth Way or on—

Mr. Samis: It's okay to do it at the race-track though.

Hon. Mr. Grossman: —the streets of the city of Toronto? I just don't think that the trade-off is worth it. If one or two of them a year out of that 1,000 getting into their cars every Sunday afternoon—and if you total it up over a year, it's a lot—cause a serious accident—

Mr. Conway: What about the racetrack?

Hon. Mr. Grossman: —then I just don't think it's an important trade-off. I don't think it's worthwhile.

Mr. Conway: Tell that to Charlie MacNaughton. What about the racetrack?

Hon. Mr. Grossman: I can cite you more examples. I can cite you the members' dining room, the Legion hall, any licensed establishment in the province—

Mr. Martel: The curling club.

Hon. Mr. Grossman: —and the fact is that all the premises we have referred to are lawfully licensed under the laws as they exist in the province of Ontario. The question at the ball park is whether it was warranted to extend the current situation—

Mr. Samis: It's called a double standard.

Hon. Mr. Grossman: —to have more of that going on at that particular place. What is the social contribution and how important is it for that, having regard to the trade-off

that you would face in terms of interruption of those at the game, in terms of the display of drinking going on there and in terms of the people getting back in their cars.

Speaking as one citizen, taking his kids to the game, I just don't think it's that important that I and others have the convenience—and that's all it is—of having a couple of beers during a double-header, that on the other hand I have to accept the new risk of driving home from that game with some people with a couple of beers under their belt. It's that simple. I don't want it to happen to me with my kids in the car. I don't want it to happen to anyone with their kids in the car or even without their kids in the car.

I just think it's that simple a trade-off to me. That was the basis upon which I made my original statement. That's what I believe and that's why it was rather easy for me to make that statement shortly after I was sworn in. That's what I truly believe and that's why you can call it progressive or conservative or WCTU, or whatever you want. I just don't think the trade-off is at all worthwhile.

Mr. Samis: If I could just pursue that a little bit, Mr. Chairman. I appreciate some of the sincerity of what the minister said in regard to this matter and I will accept the fact that his views are based on a conviction, not pure political calculation, vis-à-vis the election or the next election, whenever it may be—

Mr. Conway: Take it easy there now.
[9:30]

Mr. Samis: —but I really would question the amount of research that the minister has gone into in terms of this particular question. He talks about US stadiums, for example. He is not the only one in this House who has been to US stadiums. If I recall that article, he specifically referred to New York, which is probably the greatest zoo of the 26 major league baseball cities in terms of fan behaviour, athlete protection, security in the stadium—the whole city is a zoo in the first place.

Mr. Conway: George!

Mr. Samis: I think it is rather unfair to suggest that the good burghers of this WASP-ish city would ever emulate the behaviour in that city. I would hope when the minister considers his policy and policy formation he would look down the river where, for seven or eight years, they have had the same laws that we would favour. It was implemented at football events. It was

implemented at the Olympics. It will be implemented at the athletic games this coming summer, with no great problems for that particular jurisdiction.

Widely supported by the mass of people, there is no great complaint from the police about increases in accidents or safety problems. Of course it is not perfect; of course there are minor incidents. But I compare that with some of the hypocrisy, some of the phoniness, some of the lawbreaking that goes on in Toronto where you follow this Neanderthal prohibitionist policy. You go down there.

I recall quite vividly the opening day of the season. I don't know if my good colleague from Sudbury East was there, but I have never seen—and I would point out to the minister that I have been to ball games in Montreal, New York, Los Angeles, Kansas City, Cincinnati—

Mr. Conway: Algoma.

Mr. Samis: No, sorry, not Pembroke either. Never in any of those big-league cities—never in Jarry Park, never in the Olympic Stadium, never in the Montreal Forum, never in the Paul Sauve where beer is sold, never in the Ottawa Civic Centre where beer is sold, never in any stadium in Europe where I have been, have I seen so many liquor bottles, so many beer bottles, and so many people smoking drugs as I did on the opening day of the baseball season in Toronto. And you are trying to convince the people of Ontario that you are trying to protect them from traffic accidents, from wanton drunkenness, trying to preserve a family image for this sport. I point out to the minister that the family image is extremely well established for this sport—

Hon. Mr. Timbrell: Next time you have a caucus party, hold it elsewhere.

Mr. Samis: We will. In the United States, in the other 25 franchises—

Mr. Conway: Did you hear that?

Mr. Samis: One could easily check with the commissioner of baseball—

Mr. Conway: Dennis said that was your caucus party.

Mr. Samis: I would suggest the policy being pursued in this particular matter is making Toronto the laughing-stock of North America.

Mr. Martel: The minister believes in hypocrisy.

Mr. Samis: I would argue further that your policy isn't working in terms of the people who do attend the ball games. You are en-

couraging some people to break the law. The moral values upon which you have based the policy are outdated, not respected by society. I would suspect you are causing more problems for the police and for the security officials at the stadium. You are displaying hypocrisy by allowing people to drink in the Maple Leaf mint, in the racetracks of this province, bowling alleys, curling clubs, golf clubs, private clubs—

Mr. Martel: They don't drive home, though.

Mr. Samis: That's right. But you tell the people who go to the ball park they are irresponsible, they could cause accidents, they are setting a bad example for their families. You are telling the others, "It is okay, it is socially acceptable. We'll give you a licence, or a special occasion permit. Go ahead and do it, but not at the ball park."

I would suspect when you are looking at your policy for 1978—because this is going to come up again, and you, not Sidney, will be the target of the public pressure this time—that you consider the realities of 1978, whether the policy intentions you believe in are really working at Exhibition Stadium, and what the real consequences would be of facing the realities of life and changing that policy.

I accept the fact you have your personal convictions on the matter. But I hope you would look beyond those and see what people believe in terms of social values, social mores; what policy you are following at hockey games, hockey arenas, racetracks, CNE Stadium for football, other stadiums, arenas and recreational facilities in the province, and ask yourself if your policy in terms of the ball park is really consistent and in tune with the times.

Hon. Mr. Grossman: If the member is making the case for more open liquor laws, which he would be doing—

Mr. Samis: Not changing any laws.

Hon. Mr. Grossman: Of course it is. I mean, let's begin with the existing law.

Mr. Martel: Let's start over.

Mr. Samis: You're giving me one more licence.

Hon. Mr. Grossman: If it were simply a matter of them being entitled under the current laws to a licence at the CNE Stadium, firstly Maple Leaf Gardens would have been serving it in the stands years ago. The proprietor of the Gardens is not slow on those things. So it wasn't a matter of it being permitted under the existing laws.

Mr. Samis: It was the case where you couldn't buy anything in the Gardens.

Hon. Mr. Grossman: Quite explicitly, what was required was a relaxation or an extension of the current laws. I want to tell the member he can argue that case; he may even argue it eloquently and perhaps even better than he has tonight. The member refers to the social values, the mores of Ontario today—and it's not all in Toronto; I agree with everything he says. My assessment of it is not only on a personal basis, which I've told him, but that the public is not too keen on a liberalization or an extension of liquor laws at this particular time.

Mr. Reid: On what do you base that?

Hon. Mr. Grossman: Some members were here on both sides of the age issue; some were here when it went down from 21 to 18 and some were here voting on the bill to raise it from 18. I don't think the member for Cornwall was one of those. But the fact is, there is a change—and these things do change from time to time.

I want to tell the hon. member that my personal assessment of it is that extending it—and it is an extension—to the stadium would be a liberalization which really doesn't have a socially important trade-off that would make it worthwhile at this particular time.

Mr. O'Neil: Good word.

Hon. Mr. Grossman: That's all I can tell hon. members on that subject.

Mr. Reid: The Premier (Mr. Davis) has decided he doesn't want it.

Hon. Mr. Grossman: We can talk about Toronto being a laughing-stock, but I want to tell the member—and I don't want to get into a comparison of the major league baseball stadiums; the member for Cornwall apparently is more well travelled than I am; I haven't been in as many as he has—I would call Cleveland, where they had a big "free beer night" riot a couple of years ago, a laughing-stock.

Mr. Samis: That was a unique thing.

Hon. Mr. Grossman: I wouldn't call the situation in Toronto, where it has always been safe and clean and happy and well-run at Maple Leaf Gardens—partly because of the absence of alcoholic beverages in the stands—a laughing-stock. One of the reasons that Maple Leaf Gardens, notwithstanding its hockey team, has been a good place to watch hockey is the absence of that sort of element—having beer or liquor in the stands. I have always enjoyed it there, and I think that has contributed to it. Again, we're getting back into my personal judgement, but I don't think

it's a laughing-stock. I don't think the fact that many people come to the Gardens, for example, and comment on how clean and well run and orderly it is, and how the fans enjoy the game and appreciate it in the absence of alcoholic beverages, by any means makes us a laughing-stock.

Mr. Samis: They say the same thing about Montreal.

Hon. Mr. Grossman: Finally, he said something that is a relevant and important comment; that is, the amount of illegal drinking that is going on in the stadium. I hope I am not ever around here long enough to be in a position where I'm legislating something into legality simply because too many people are breaking the law.

Mr. Samis: That is not the main reason—of course not.

Hon. Mr. Grossman: I think the people out there are entitled to more leadership from us than simply to say, I'm having trouble policing this, so I think I'll rubber-stamp it as okay since I can't stop it."

Mr. Martel: You are really stretching.

Hon. Mr. Grossman: To be fair to the Blue Jays, it is their responsibility and they accept the responsibility much more than others, such as the Argos, to enforce their own stadium rule against bringing alcohol into the stadium. They do a pretty effective job of it. I saw plenty of people being stopped at the gates—

Mr. Samis: Sure. It's an asinine law they have to enforce.

Mr. Reid: Do they police the private stalls?

Hon. Mr. Grossman: If the member would like to go into the private stalls, as he calls them—we call them private suites or whatever—

Mr. Conway: What do you call them?

Hon. Mr. Grossman: I've never been there. Perhaps the member for Rainy River has been there.

Mr. Samis: Those who have, get; those who don't, don't.

Hon. Mr. Grossman: But the fact is, the Blue Jays do a pretty good job.

Mr. Samis: Within the laws you've set, yes.

Hon. Mr. Grossman: Their own management and staff do a pretty good job of stopping the liquor from coming into the place. A lot gets through; I don't deny that. In fairness to the Blue Jays, I think they do a pretty good job—a lot better than what goes on at the football games, which I think is criminal. I don't think it's anywhere near sufficient.

Mr. Samis: I would just ask one final question, Mr. Chairman. Since this affects a lot of people, and obviously there are social values and social mores involved, can I just ask, as we look ahead—and obviously this franchise is going to be around for a long time; they've been very successful and obviously the pressures will continue—

Mr. Conway: Largely owned by a beer company.

Mr. Samis: The same is true of the Montreal teams. Whether it's the Bronfmans or Labatt's, there isn't much difference in sports these days. Can I ask the minister on what basis he will assess the issue for 1978? Will it be on the basis of his own personal convictions or will it go beyond that?

Mr. Reid: On the basis of the Premier's assessment of the situation.

Mr. Samis: Will he consider the social mores, the Premier's political assessment of the electoral prospects in small-town Ontario or what?

Mr. Warner: Political expediency.

Mr. Samis: How will the minister assess it?

Mr. Warner: How many votes in the ballot box.

Hon. Mr. Grossman: No, certainly not. In terms of votes in the ballot box I suspect all the people who care about the issue enough to cast their votes on the basis, if there are any out there, probably live in Toronto and probably are opposed to our decision. So it has nothing to do with the politics of the situation.

If indeed the government deals with the issue again next spring—if it is asked to deal with a change in legislation, which would be required to issue a licence to the stadium, if indeed it is asked to consider such a change, regulation or legislation, it will apply all of its own experience, moral judgement, personal experience, even statistics. We may even ask the Liquor Advisory Committee for some help at that time, and reach the same sensible, well thought-out decisions we always reach.

Mr. Reid: Ask him if he clears his speech with the member for High Park-Swansea (Mr. Ziemba).

Mr. Samis: I assume, in closing, that when the question comes up before cabinet again for 1978, the minister will recommend to the cabinet that any such request be turned down. Is that right?

Hon. Mr. Grossman: You know it would be improper for me to tell you what I would

be recommending to cabinet. You know how I feel about the subject; you know how I felt about the subject before.

Mr. Samis: It is the same thing. The same thing.

Hon. Mr. Grossman: The cabinet made its decision before I joined cabinet. With all that background it would be inappropriate—and I know you especially would have some appreciation for our parliamentary system—for me to tell you what I recommended to cabinet on any specific issue.

Mr. Samis: Baloney.

Mr. Conway: Mr. Chairman, I appreciate the opportunity to join in this particular little debate that my good friend from Cornwall has I think so very properly initiated—I am sure with the close consultation of our friend from High Park-Swansea—

Interjections.

Mr. Conway: —but I want to associate myself truly with what he has said because mine has been an experience, while not nearly as extensive, not altogether different.

Mr. Samis: You've got the member for Kitchener-Wilmot (Mr. Sweeney). Great riding, right?

Mr. Conway: Will you stop these hecklers, Mr. Chairman?

Hon. Mr. Grossman: They behave like you do.

Mr. Conway: Because I think what the member for Cornwall has said is very much my own experience.

I was thinking particularly of watching the Grey Cup yesterday. I have been at three or four Grey Cups in Ontario. I am just going to take that as a specific example. I have been at two Grey Cups in the last number of years here in Toronto and you know for all the sanctimony of the minister's well-put position—I would like at this point to digress and say that nothing is as ridiculous a comment, I think, on the Ontario political and social culture; nothing equals our liquor legislation.

I was reading over the weekend the final chapter of the Howard Ferguson biography, something I know that members opposite, particularly two such ambitious, upwardly mobile members of the cabinet as we are privileged to have with us tonight—

Mr. Reid: Say three. Include Sam Cureatz.

Mr. Cureatz: Later.

Mr. Conway: In one example, there is—

Mr. Reid: To say nothing of the Chairman.

Mr. Samis: His stay here will be brief.

Mr. Conway: I was reading that and thinking, because so much of that particular biography, that personality and that political career deals with the liquor question in this province. I was thinking to myself, because I had a relative who was here at the same time when much of this was being discussed, what hypocrisy, what double standards. I listened to the minister stand up tonight and say, "Oh, well the racetracks that Charlie MacNaughton supervises for the good teetotalling brethren of Ontario really are not quite the same as the ball parks that we plebeians attend from time to time."

We know that you aristocratic Tories can collect at your various watering holes, which are far more exclusive than anything the hon. member for Cornwall and myself, being bona fide working class types, would ever imagine. We know that.

Some hon. members: Right on!

Mr. Samis: From the ivory tower to the paper mill.

Mr. Conway: I want to tell you that the hon. Liberal-Labour coalition from Rainy River knows of what I speak.

Interjections.

Mr. Samis: He was elected in 1924 wasn't he?

Mr. Conway: But I want to just say to you, Mr. Minister, I hope you acquaint yourself with some of the past on this whole liquor question, because there is nothing which is more embarrassing, more shot through with rank and obvious hypocrisy than the liquor legislation this particular party has managed to give to this province.

[9:45]

I admire in retrospect much of what Howard Ferguson did, because unlike many of his generation and subsequent generations of Tories, he had the guts to hold the 4.4 forward for members of the society to see at large.

But are you prepared, given your position, your concern about the conditions of a ball park that might be given over to too much drinking? Are you prepared to go to the commissioner of the CFL or to the Convention and Tourist Bureau of Metropolitan Toronto for the next Grey Cup—when will that be? Is it next year? Probably next year, but I don't know—and tell them, using that as a specific example?

If you've attended the Grey Cup and I'm sure if a working slob like myself has, an hon. minister like you no doubt has as well, you know what it is to stand there at the

good old CNE Stadium here in teetotalling Toronto and it is flowing, openly, obviously and with no care whatsoever to the kind of legislation about which you make such a noise here during this debate and previous ones.

Are you prepared to go to the CFL and the convention bureau and say, "If you people want to hold the Grey Cup in this city on a future occasion, we will not allow the kind of boozing that's going on"?

I was thinking that to drink at most of these events, as the minister indicates, is to break the law. But to booze openly at the Grey Cup is to participate in national unity.

Mr. Samis: Right on.

Mr. Conway: I want to tell you, Mr. Minister, that I think that is a double standard, not unlike much of what we've been told here before. He says to my friend from Cornwall that obviously he wants the whole liquor legislation opened wide.

Mr. Samis: No, no, no.

Mr. Conway: And he says, "How did the hon. members opposite vote on my colleague's bill about raising the drinking age?" I'm going to say, quite frankly and quite openly, I voted to raise the drinking age from 18 to 19.

Hon. Mr. Grossman: Afraid to go on record.

Mr. Conway: I'm not at all afraid to go on record, but I think the notion of restrictive circumstances, age limits on drinking—

Hon. Mr. Grossman: Careful.

Mr. Conway: —is about the most shocking indictment we can make of the so-called civilized society in this part of this continent. I've said on previous occasions I think the drinking habits of North Americans generally represent aberrant behaviour to say the very least. Coming from a teetotalling Irishman from the Ottawa Valley, I think that's all of the disclaimer I need to offer.

Mr. Reid: The only one left.

Mr. Warner: A teetotalling Irishman.

Mr. Conway: I want to ask you—and I realize that this is marginally hypothetical—are you prepared—considering it's so topical as of yesterday, the Grey Cup festival—at a future time to say to the people in charge of that, when it next occurs in Toronto, Hamilton or Ottawa, that we understand well what the Grey Cup festival is all about, because basically it has come to mean in the last 25 years, drinking to excess without any concern about the legislation which may in fact restrict such behaviour?

Are you prepared Mr. Minister, because you appear to feel so strongly about this particular issue, to go to those organizers and say: "So long as the Grey Cup festival takes place in this province, it will do so only under the temperance attitude that flows naturally from the legislation in this province"? How much of an initiative are you prepared to take, so that the so-called festival of years past does not recur with the clear implication that under certain conditions at certain times in this province the liquor laws mean absolutely nothing? If you're not prepared to get your way on this particular matter in cabinet, would you advise us as to whether or not you might take the road of at least one of your predecessors and quit?

Mr. Warner: Hear, hear. You should resign.

Mr. Grande: My God, he won't even give you more than four months.

Hon. Mr. Grossman: The answer is no, not on this issue nor on any other issue will you ever know what I said at cabinet. Except to know that I supported the cabinet decision so long as I stay in cabinet.

Mr. Warner: If you're a member of cabinet, you don't have an opinion.

Hon. Mr. Grossman: I know that with the immense educational background of the non-drinking, teetotalling member for Renfrew North, he will know that's as it should be indeed, and he will report that to the member for Cornwall when he asks me what my submission to cabinet will be.

Mr. Conway: Next.

Mr. Warner: It's going to be secret.

Hon. Mr. Grossman: In very simply terms, when the CFL comes to me—

Mr. Samis: Does it have to come to you?

Hon. Mr. Grossman: Indeed, before I continue, I might say I didn't see the Grey Cup festivities yesterday. I didn't see the drinking. I spent the day outside with my family, having a fine time. I didn't stay in and watch the drinking or the football game.

Mr. Conway: Have you ever been to a Grey Cup?

Hon. Mr. Grossman: I gave up on CFL football when Marc Lalonde threw the WFL out of Canada.

Mr. Samis: What a cheap shot.

Interjections.

Mr. Chairman: Order.

Mr. Samis: The minister's political batting average is slipping every minute.

Hon. Mr. Grossman: No, I will not invite the CFL to come in and have any chat with me with regard to the great national event, as the member refers to it. What I would tell the CFL is that they will have to comply, like everyone else, with the existing liquor laws in this province. There will be no special favours, no special consideration for the CFL or anyone else. The liquor laws in this province are as they have been.

Mr. Warner: Yes, backwards.

Hon. Mr. Grossman: Indeed, the CFL had no trouble holding its great annual event here in years when the liquor laws in this province were a lot more restrictive than they are now. They can come and have the Grey Cup here under our existing legislation or they can choose not to. I would hope they would come here from time to time, but they will do so under our current legislation as it stands.

I might add for the benefit of my friend, the member for Renfrew North, that of course his party was in support of very many sections of the liquor legislation which we are talking about tonight and which set out who can and who cannot be eligible for a permit, and that includes the major sporting events. When he's talking about the state of the liquor laws in this province, it might do him well to look back and see just how much support—and there was a lot of it—we got from his party, and indeed even the third party from time to time, as recently as 1975, when the new Act was brought in. We're not dealing with an Act from the Middle Ages. It's far past that.

Mr. Samis: Not much.

Hon. Mr. Grossman: It's a 1975 Act, with pretty good approval from this assembly, including the member's party. He may have specifics of what he considers to be inconsistencies or anachronisms in the liquor legislation, and I'd be happy to sit here for as long as the member wants, I'd like him to get on record, with as full details as possible, to let you know just how far he wants to go in various liberalization or, in fact, withdrawal aspects of the current liquor legislation. I am sure my friend, the member for Renfrew North, would be happy to get that all on record—and I hope he will not feel inhibited by the time, because we have a lot more hours in estimates—to tell us just where he would go with all the liquor legislation in this province.

I have not ducked the issue. I've told members how I feel about beer at baseball. I've told them there will be no special concessions for it or for the CFL or the Grey

Cup. I've also told them that the liquor laws as they currently exist in this province are undergoing constant review. At the moment, I don't think they are subject to massive generalizations that the member wants to make for Hansard or for the member for Cornwall.

Mr. Warner: The minister is a Neanderthal in a vest.

Mr. Conway: Mr. Chairman, I want to say two or three things. I would agree with the minister in that he says our liquor laws are not medieval. No, they're Neanderthal. Let that be on the record.

Hon. Mr. Grossman: The member's party shouldn't have voted for it. His party voted for it.

Mr. Conway: I don't know what my party did prior to 1975.

Hon. Mr. Grossman: Or after.

Mr. Breithaupt: You keep careful track of these things, I am sure.

Mr. Warner: It's in the good Liberal tradition.

Mr. Conway: I am sure that because Arthur Meighen happened to support conscription might not necessarily mean the same for the hon. member provincially in St. Andrew-St. Patrick. I would not use his clumsy logic to make any kind of a similar case.

Mr. Samis: I wonder where he stood on Dief.

Mr. Conway: I want to ask one question, make a short statement and then leave, because I intend to be back to discuss at the appropriate vote the liquor hypocrisy of this particular government. Has the minister ever been to a Grey Cup? He might answer that yes or no.

Hon. Mr. Grossman: Yes—several.

Mr. Conway: He has been to Grey Cup. He says that he knows that the CFL—and I want to use this just as a case study; I don't want to make a particular big item out of it—

Mr. Reid: He remembers seeing you there.

Mr. Conway: No, I'll tell you who I do remember. I remember seeing John Diefenbaker at the last game here in Toronto. He seemed to be the most coherent Tory there—and there were several.

Hon. Mr. Grossman: They were all coherent.

Mr. Reid: That's a foul thing to say about the rest of them.

Mr. Conway: Allan Lawrence was there, saying, "If only I had been."

Mr. Breithaupt: Forty-four votes. Only 44 votes.

Mr. Samis: Where is Eldon Woolliams when we need him?

Mr. Conway: You read Larry Zolf too?

The minister says, "We know the CFL is likely to come back. I'm not going to tell them any special conditions under which they might have to operate because obviously the hon. member knows we've had Grey Cup festivals here in the past and things have gone swimmingly. In the future, no doubt without any special urging from me they will go accordingly." Of course, you didn't use the term "swimmingly" but let me use it because that was the implication.

Hon. Mr. Grossman: I said it better.

Mr. Conway: The CFL will come back here, of course, because they know perfectly well that the legislation you seem so insistent on protecting will not mean—anything. I must restrain myself because we working class types do have a vernacular which, at times, might be construed as unparliamentary.

Mr. Samis: The ones in the Ottawa Valley.

Mr. Conway: But of course they'll come back. They'll come back for years to come because they know that sanctimony for which you stand in terms of a policy articulation does not mean one bloody thing.

Mr. Warner: That's right. It's hypocrisy. It should never be enforced.

Mr. Conway: It is a hollow reed. It doesn't mean anything. It never has meant anything. And unless you're prepared to take your minority position of sanctimony—

Mr. Warner: That's right. It won't be enforced.

Mr. Conway: —and I don't impugn it in any way; I'm sure it's honourably felt, but in terms of the general population today as far as I can estimate it is quite meaningless—your policy won't mean anything unless you decide to enforce it.

Mr. Warner: It won't mean anything then.

Mr. Conway: You know the argument you put to my friend from Cornwall; I want to assure the hon. member that we don't want to ever become part of increased legislation to bolster those laws which aren't being adhered to— or words to that effect. Can you imagine a more laughable doctrine put by not only an hon. member of the Treasury bench, a distinguished barrister—

Mr. Reid: Oh, now don't get carried away. He will be quoting that in the next election.

Mr. Breithaupt: And the hon. member on the select committee on company law.

Mr. Conway: I thought Ms. Beardsley was going to do it this time, but it might happen next time.

But, for someone with your background to suggest that that would not be the case, is that what you're going to say, or expect the Minister of Transportation and Communications (Mr. Snow) to say with respect to the seatbelt regulations, "Well, the law's in place. Nobody is paying too much attention to it, so it's their own fault." That's not what I hear from him.

Mr. Warner: That's why it is never enforced.

Mr. Conway: It's not what I hear from other members of the cabinet who understand clearly that the only thing worse than having no policy is having a policy or legislation which is just laughed at and ignored. I'm just urging you to take your minority position forward and to say to the people—and I use the Grey Cup as a good example—"These are the conditions. We are not going to allow drinking because I feel, and my cabinet colleagues concur in that opinion, the children gathered here might be offended."

Mr. Samis: Oh, blessed are the children.

Mr. Conway: I often think that maybe what we should do with the Grey Cup, because this might be useful Tory compromise, is take the whole bloody stadium and put it in one big brown paper bag and just mark "LCBO" on it. Somehow the game might take place under that condition and not offend anyone.

My urging and, I suppose, my advice to you for all the worth it might have is that if you want that policy, if you persist in it, please have the spine to go forward to those obvious violators and say, "This is the policy; on this I stand; you must concur; we will make special efforts to police this." Because we know, and you know from being at the Grey Cup, that it is widely abused—so widely abused as to offend countless number of commentators in the press, to use that one example—

Mr. Reid: Bad example.

Mr. Conway: —and to make your policy something more than the meaningless hypocritical joke that it continues to be, at least in the specific reference to the Grey Cup festival.

Hon. Mr. Grossman: I should tell the member that I have been to some Grey Cups. I didn't see him there.

Mr. Conway: You're not hard to miss, Larry.

Hon. Mr. Grossman: I was sitting in the

end zone. I was sitting with my people in the end zone—

Mr. Warner: The Neanderthal mind.

Hon. Mr. Grossman: —the common people from the heart of the city in Toronto. Indeed, we were sitting among coherent Tories and we saw little drunkenness in the end zone where we were sitting.

Mr. Reid: Too cheap to bring any.

[10:00]

Hon. Mr. Grossman: The member for Renfrew North I am sure had much better seats. He has lots more important friends who, indeed, protect the CFL from time to time. I want to tell you that if the member is suggesting we take special steps to approach the CFL on the basis that the CFL is breaking the law, I think he's a little mistaken. The CFL isn't breaking the law. The people who are attending the CFL game are breaking the law if they are drinking.

I agree with the member, enforcement should be good and tight. As the member will know, it's up to the municipal police authorities to enforce the laws. We make the liquor laws; it is up to them to enforce them. I would hope they enforce them to the maximum of their ability.

I want to repeat that I am not about to do what perhaps you would have us do, and that is say, "Since a large percentage of people are not wearing seatbelts, I give up. I will revoke the law and say it's okay not to wear seatbelts." That's the kind of reasoning I was referring to. I am not about to do that in terms of drinking at the stadium, so that's the situation.

Mr. Warner: No one should have to wear a seatbelt.

Hon. Mr. Grossman: I hear what the member says. I am sure he will be equally articulate when it comes to giving us specifics of where and how he would change our liquor legislation. I have told him a couple of things. I would not recommend a change at this time with regard to our policy on the stadium.

I tell you there's an ongoing review. We don't let it sit for 100 years, 50 years, or five years without looking at it. There obviously will be a review of the whole area pursuant to the Premier's statement of November 10, and that ongoing review will prove interesting. I look forward to the member's contribution when we bring forward that package in the spring—

Mr. Warner: What a bunch of nonsense.

Hon. Mr. Grossman: —to see just how liberal he wants us to go with the liquor laws,

and where he thinks the inconsistencies can be straightened out. Those specifics will prove to be a lot more interesting than the general epithets he throws around with regard to the liquor laws which his party embraced and supported two two short years ago when they were before this assembly. Our position is clear—enforcement should be as tight as possible, and we constantly look at the laws. You may even be seeing some changes, in the spring, especially in view of the developments of November 10. I look forward to your contributions.

Mr. Conway: Mr. Chairman, I want to say one or two things in reference to the minister's comments.. First and most important, I do not for one moment suggest the CFL should be charged, or whatever laughable suggestion was put forward by the minister. With that kind of legal capacity, I am surprised you are not Attorney General. You could make a 9-0 score, probably 15-0, with nine judges voting. But the point has simply got to be reinforced, and you don't seem to be prepared to accept it for one moment, that you are, in your present liquor policies, the laughing-stock of much of this province—

Mr. Samis: And the country.

Hon. Mr. Grossman: The world.

Mr. Conway: Because despite what the WCTU and whatever other input you have in that policy formation—

Mr. Samis: He provokes peals of laughter in the UN.

Mr. Conway: I wanted to say that unless you are prepared to take the initiative and make your legislation effective—certainly we understand that it's the municipal police force that will do that enforcing—but surely if this is so near and dear to you, if you are capable of that tear-jerking article that flowed from the—

Mr. Samis: The Globe.

Mr. Conway: I knew it was in the Globe—that sort of heart-rending statement of your deep-seated concern, then surely the concomitant of that is to go to those police people, through your Solicitor General (Mr. MacBeth), and say, "This is the law and we are going to have it enforced." If Attorney General Raney could have taken the same policy 50 years ago, and it was the same policy in many respects, then surely you might with the same zeal and the same commitment go to the same police forces and say; "We are going to have this thing enforced."

I see the Minister of Health looking up with his dedicated concern. He is a very

wise man, that minister. We have just spent a long time in his estimates, and I tell you, there's a guy to watch. He is very upwardly mobile. He's wearing his glasses tonight; I guess that means something.

Hon. Mr. Timbrell: I thought Raney was a liberal at the time.

Mr. Chairman: Order.

Mr. Conway: Well, we can discuss that later, actually you are wrong. We have the Minister of Health here, and under this general policy vote in the first section we are at liberty to discuss the policy of this administration. I want to say to the minister, considering the zeal with which he holds his principle of high moralism that, "We must not have, and I refuse to have my children—" and I realize that's an implicit comment on the lifestyles of others of us who cannot make the same public charge—

Hon. Mr. Grossman: You win.

Mr. Cureatz: Pat Reid too.

Mr. Reid: Strike that from the record.

Mr. Conway: I wonder if the minister, and I presume he has—who is your super minister, is it John MacBeth?

Hon. Mr. Grossman: It is.

Mr. Conway: It is, all right; so you know what those policy secretariats are all about.

Have you ever, for example talked and I know you are in the cabinet just a few months, a few weeks or whatever it is—but have you ever undertaken, or will you in the days ahead, undertake a discussion with your colleague, the hon. member for Don Mills who is Minister of Health, and who quite properly tells us in estimates that he has his ministry proselytize about the environmental problems vis-à-vis health costs that grow out of, among other things, lifestyle as it relates to, yes indeed, too much drinking?

An hon. member: It turned you into a cabinet minister.

Mr. Conway: The government of Ontario has a fascinating conflict of interest. The Minister of Health properly says, "Really, we have got to concern ourselves about that sort of lifestyle advertising, the whole lifestyle question. Some 50-odd per cent of our health-related concerns grow out of that area." Some of us say there has got to be something done. I am talking about the diseases and health problems that grow from environmental concerns. I think it is actually higher than 50 per cent; so study indicates, but I may stand corrected on that.

Has the minister in charge of the liquor

trade ever gone to his super ministry—in fact the super ministry of Social Development, and, yes, his competitor from Don Mills—and said, “What should we be doing in terms of rationalizing the government’s position?” Because really, it doesn’t make much sense to have the mighty Darcy, every time he needs more tax revenue, go to the liquor stores and to the tobacco shops and there raise substantial increases to encourage provincial revenues, and therefore become more dependent upon that particular source of taxation; and then we have the Minister of Health saying, “We’ve got to be concerned about the health problems that grow out of too much smoking and too much drinking.”

Now we have the minister in charge of the liquor trade before us, and I guess what I am asking him is has there ever been a broad policy discussion involving particularly those three ministries—Treasury, Health, and Consumer and Commercial Relations—to sort out where this government is going, to try to remove as much as possible these conflicts within the whole liquor question? Has this minister, or will this minister, undertake any kind of a dialogue, with for example the Minister of Health, to see if some kind of a rationalization of approach in policy cannot be struck within the very near future to remove, from the actual level of government activity, the sort of hypocrisy that’s obvious from those stated three ministries which are taking various positions on the liquor business?

Hon. Mr. Grossman: I want to report to the member that, of course the policy secretariats in this government are working so well that there has been exactly the type of interchange, which you perhaps didn’t anticipate but asked for. There has in fact been an interministerial committee on liquor-related matters for some time. That has been operating quite successfully. The interchange of views that you talk about has gone on, and indeed some of the work of that interministerial committee will form the basis of the resolutions and/or legislation that come before this House next spring pursuant to the November 10 vote in this assembly.

So yes, there is that overall policy co-ordination in government under the jurisdiction of the policy secretariat. It is going on all the time. When that day comes in the spring, I am really quite looking forward to the member for Renfrew North rationalizing his statements about lifestyle advertising with his desire to extend his lifestyle to drinking

at the baseball stadium. It will be an interesting day.

Mr. Conway: Mr. Chairmain, those of us who have the wisdom to be abstemious in all these excessive matters have no problem, no problem at all, sorting out the kind of difficulties that quite understandably present themselves to that bunch across the way.

Could the minister tell me, from the point of view of public policy, what one or two concrete suggestions, for example, his particular ministry, has put before that vaunted interministerial committee on the liquor question? Could he be specific in, let’s say, two particular proposals which your ministry has taken to that interministerial group?

Mr. Kerrio: Pretty tough, eh, Larry?

Hon. Mr. Grossman: I know the member’s knowledge of political science would tell him that at the moment these matters remain matters of internal governmental discussion, i.e., for cabinet consideration in preparation for the spring resolution and/or legislation. He would neither expect me to do it nor would he think it’s appropriate for me to tell him what specific input we may have had. Because in the spring when it came before the assembly—

Mr. Kerrio: Because there isn’t any.

Hon. Mr. Grossman: —he might be wanting to say to me, “Grossman, you made this submission then and now the cabinet’s coming in with something else. Which side are you on?” You know that would be inappropriate and if you disagree with my view of the political system and the way we ought to operate, you can take some more time in these estimates and tell me that you disagree.

At the moment that is my philosophy of government. It always has been and always will be. Of course I won’t tell you what specific input there has been.

Mr. Conway: Mr. Chairman, I will gladly comment on that briefly. I well recognize that particular position. It has nothing to do with conventional political science as it relates to the British parliamentary system. It’s known as the Tory secretive approach to government. That’s what it’s called. We’ve dispatched Carleton Williams to see what we can do about mothballing some of that psychological approach.

Hon. Mr. Grossman: We got it from Ottawa.

Mr. Conway: I just want to say that like my colleague from Niagara Falls who, in his inimitable and eloquent but succinct way, said it all when he said, “You can’t tell us anything because quite frankly from your

point of view there is nothing." You have made no concrete proposals. Your predecessor has on similar occasions left the same kind of general impression, because quite frankly there is a serious conflict in this matter with this government on those three ministerial levels. There's no question about that in my mind.

The reason you can't confide in us here today is not because that interministerial group has made a number of suggestions, some of which have come from you and those proposals are now before cabinet. I am quite convinced, however cynical it might appear at this point in time, to say that not one whit of that bears any relevance to the situation.

What in fact is true is what my hon. friend from Niagara Falls says. There simply can be nothing coming forward from the minister in response to my question, because there is simply nothing in the closet.

I think that's the indictment on this particular policy question that I would level against this government. I want to assure the hon. member for St. Andrew-St. Patrick that I will be most pleased to join with him at whatever time in the future—assuming the merry-go-round of cabinet shuffles that will probably debunk my good friend from Ottawa South (Mr. Bennett) and maybe my friend from Prince Edward-Lennox (Mr. J. A. Taylor) and a few other of the lesser lights over there—I just hope you're still in charge, assuming there's not an election, of that same ministry, because I intend to be there to discuss the particulars of that great liquor bill or whatever when it's brought forward by the hon. Premier.

Hon. Mr. Grossman: I will be here whether there's an election or not.

Mr. Warner: You led us on.

Hon. Mr. Grossman: I have the floor—I can understand the member's view of how the political system should operate with various of us in the Treasury benches, as he would have it, having different views and talking about them helter-skelter. That's the way his party runs their caucus and I'm sure that's the way they would run a government. We just run it a little differently and a little better.

Mr. Kerrio: Different, yes; better, no.

Hon. Mr. Grossman: Finally, with regard to speculation about whether we have had input or not at policies or not, I must tell the member for Renfrew North from the bottom of my heart as sincerely as possible—once again, he's just dead wrong.

Mr. Conway: Mr. Chairman, one final point

since the member for St. Andrew-St. Patrick is insistent on giving those of us opposite a lecture on political science, let the record underline what he just said which was, "I'll be here whether there's an election or not." That comment, certainly to those of us with any basic knowledge of political science, has some interesting implications as to what he thinks about the entitlement of the electorate in St. Andrew-St. Patrick. "I'll be here, whether there's an election or not." Typical.

Hon. Mr. Grossman: Not their entitlement—just their good judgement.

[10:15]

Mr. Kerrio: That is true to every defeated Tory candidate, and you know it.

Mr. Conway: And you know it too, Bill.

Mr. Kerrio: You will never get it.

Mr. Chairman: Order. The member for Scarborough-Ellesmere.

Mr. Warner: Mr. Chairman, thank you. I would like the minister to reflect, for a moment, on the poll that was taken by the Toronto Star prior to the last election on the question of beer in the ball park. I am sure the minister recalls this—the poll was done of the 29 members in Metro Toronto, four of whom supported the notion of having beer in a ball park. They were, including myself, Jim Renwick, Pat Lawlor—

Mr. Conway: And Ed Ziemba?

Mr. Warner: —and Vern Singer. Ed kind of passed on that one, but Vern Singer was the other one, there were four. All the Tory members declined. That was not an appropriate—

Hon. Mr. Grossman: Not all of them, I didn't.

Mr. Warner: Well voted "no"; they did not want it, it was not a good idea.

Mr. Conway: What did Frank say? What did Frank say?

Mr. Samis: He wanted to get into the cabinet; that is what he said.

Mr. Warner: Frank Drea, no comment.

What was kind of interesting, though, was that following the publication of that poll in the Toronto Star, I did in fact, receive some phone calls, some letters; and you know what the biggest response was, from the people out there?

"We really don't care; we really don't care whether you sell beer in the ball park or not. It is not one of those earth-shaking things to have happen. If the people in the city of Toronto wish to have beer at their ball park, then surely they should have beer

at their ball park. After all, every stadium in North America, including the one in Montreal, serves beer in their ball park. So if they really want to do it, go ahead, we really don't care."

That was the big message that was coming through. No matter how you decide on it, it really is not such a big issue; and surely, since everybody else is mature enough to handle it—Montreal, Winnipeg, the American cities—then surely we in Toronto are also able to cope with this serious problem of beer in a ball park. But that was in a minority government situation and obviously the politics of the day had to reign.

What interests me, though, is to juxtapose that kind of situation, where the public really doesn't seem to be too caring about what kind of a decision is reached, with a far more serious matter—I will wait, Mr. Chairman, until I have the attention of the minister.

I would like to juxtapose that situation—where most of the people, as you well know most of the folks in Metro Toronto really don't care one way or the other what you do, but you took a good hard line on it because it was a good political thing to do—against what is a very serious situation, and I suspect quite frankly you are not doing anything about it, and that is the underage people who are consuming alcoholic beverages in the bars and taverns in Metro Toronto.

I would like to know, for example, Mr. Chairman, how many licences in the city of Metro Toronto were suspended during this past year because of serving to minors. I would like to know how many people under age have had charges laid against them because they were drinking in a licensed place and they were under age.

The minister probably recalls that a couple of weeks ago, when we had the bill in front of us about raising the drinking age, the Toronto Sun did their usual poll of five people. Two of the people they polled that day both indicated they had been drinking in licensed establishments since they were aged 15 and they are now 21.

Hon. Mr. Grossman: Vern Singer and Pat Lawlor.

Mr. Warner: Vern wasn't one of them, no.

I suspect, and the minister probably can confirm this, that just about any 16-year-old in this city who is attending high school can give you a list of the bars in this city that will serve minors. It is directly his responsibility, I would assume, and if I am wrong I would expect the minister to correct me;

but I would assume it is his responsibility through your licence inspectors to crack down on those bars that are serving minors.

I assume that's part of the responsibility of his ministry. Where liquor licensing people know that bars and taverns are serving to minors, they have an obligation to go in and crack down. It perhaps would add to the clarity of the situation if we could have some figures on that—how many licences have been revoked, how many fines have been handed out, how many people have been charged where minors have been purchasing alcoholic beverages.

To tell the truth, that's a far more serious problem than beer in a ball park. If there had been a majority government in 1975, I think there would have been no hesitation; the ball park would have had a licence without any problem and people would have been consuming beer. The government might not have wanted to take the whole step of permitting regular beer; it might have allowed light beer, the stuff that's half the alcoholic content of regular beer. But the people at Exhibition Stadium would have been consuming beer today—not today; it's too cold for baseball, but during the baseball season. They would have been consuming beer, had there been a majority government. But, no, the issue is kind of touchy, and at that point the Tories only had 12 seats out of 29 in Metro and couldn't afford to lose any more. So it became a very political decision.

While the minister is trying to get those figures on the supposed crackdown that has taken place over the last year—doesn't he have any figures?

Hon. Mr. Grossman: We do but, frankly, they're in the ministry's book for vote 1407. They're very complete. It may be somewhat more appropriate to wait until we get to the liquor vote.

Mr. Warner: Could I ask, when we get to vote 1407, that the minister give us the figures as they relate to charges on licensed establishments?

Hon. Mr. Grossman: Sure, even if the member is not here for the vote.

Mr. Warner: That's good. I read all the Hansards; so if I'm not here, I'll be able to pick that one up. I think that's the important part of the problem instead of wasting time over whether there should be beer in the ball park or not. Just give us beer in the ball park and concentrate on the real problem, which is minors being served in licensed establishments.

Hon. Mr. Grossman: Agreed.

Mr. Warner: I want to put on the record

something that's really bothering me. When I came into this place in 1975, I took it that whatever it said in the book about the ministries and what they were supposed to do, was the truth. I took it that that's what they did.

Hon. Mr. Grossman: That's right.

Mr. Warner: But I found out, through unhappy experience, that this ministry is next to useless in terms of accomplishing anything. I'm very disappointed. I'll tell you how it happened, Mr. Chairman.

I had a young woman come to me, a constituent who had been ripped off by a car dealership. She explained the whole problem, and I said to her, very trustingly: "This is a problem for Consumer Relations." You know, some of those magical people over there with the capes and so on who fly around—

Hon. Mr. Grossman: They are in the member's caucus.

Mr. Warner: "They are going to do something good over there that will solve your problem," I said.

Mr. Kerrio: He is setting the minister up.

Mr. Warner: I sent her over there and she explained the whole situation. She phoned me back about two weeks later and said nothing had happened and wondered if I knew anything. I said, "I'll check up for you." I phoned over and talked to some nice person over there who said, "Oh, the whole thing has been resolved." I said, "Gee, that's great; I'm glad to hear that."

I wrote the constituent a letter, saying, I understand from the Ministry of Consumer and Commercial Relations that the situation has been resolved." Do you know what resolving the situation meant? The company had been contacted and nothing more could be done. I was really appalled. So I went up with the constituent to the company that had ripped her off and sat down with the brass that owned the place—it was up on north Yonge Street; I can't even remember the name of it, but it's in the file. I hammered away and finally I had to use what I would call a threat: "I'm going to bring this up in the Legislature. I'm going to hire a lawyer. I'll do whatever it takes, but obviously you have ripped her off", because when they brought out their records of the bills they didn't gibe with what they had given her. She was out by well over \$300, and the best I could do was to get a cheque for \$100 from them. That woman had been ripped off and your ministry didn't do anything to help her, not a darn thing.

I was really annoyed and so I made it a policy from then on—yes, I will refer people

to the Ministry of Consumer and Commercial Relations, but I must warn them ahead of time, "Don't expect anything, because chances are nothing will happen. Go there first and when you're finished, come back to me and I will do what I can. If it takes getting a lawyer, I'll do it, and I'll do it at my own expense. But I'll get the problem solved." And I will and I have on occasion.

Mr. Kerrio: He is going to ask the minister to resign.

Mr. Warner: It's the only way to get the job done.

Mr. Breithaupt: Haven't you been asked to resign yet?

Mr. Warner: Mr. Chairman, the key to the whole thing to tell you the truth, right from the beginning—and I should have known better—is with the title of that ministry. It should be the Ministry of Consumer Protection and it's not—Consumer Relations. It kind of sounds like you've got a bunch of relatives, and you know what happens when you try and solve problems among relatives. It should be Consumer Protection; that's what it really should be, and there should be the appropriate laws to go with it—

Mr. Breithaupt: Does the minister want to tell us about his relations?

Hon. Mr. Grossman: In some detail.

Mr. Warner: —and the teeth to make those laws work. But you don't have that. You either don't have the legislation in some cases, or you have it and you don't do anything about it.

I suspect in the case of the woman that I described who was ripped off by that car company there probably was the legislation but no way of enforcing it.

Mr. Germa: What company was it?

Mr. Warner: That's the thing that really bothers me, right from the outset; that ministry is not designed to protect the consumer, it's designed as some sort of public relations exercise: "Let's talk it out between the buyer and the company." In that situation, does the individual have much of a chance against General Motors or General Foods or any other of those corporate creeps? Not a chance, and you know it.

Mr. Breithaupt: That's called socialist realism.

Mr. Warner: Unless this government has some legislation with teeth, you'll never accomplish anything.

Mr. Grande: That was alliteration.

Mr. Warner: Since we just have a couple of minutes left, I want to at least begin the

discussion on the aluminum inquiry business and perhaps we can pick it up later. There's something that bothers me about that inquiry.

Hon. Mr. Grossman: Mr. Chairman, why don't you wait for technical standards? The vote is 1403; that's the proper place for the aluminum inquiry.

Mr. Warner: I agree, but, Mr. Chairman—

Mr. Davison: Mr. Chairman, point of order. We have allowed a discussion of this matter as it involves the policy decisions of the ministry—

Mr. Breithaupt: First vote.

Mr. Davison: —and we've allowed the minister to make grand statements about his opinion. I see nothing wrong with members on this side of the House having an equal opportunity to discuss the broader issues.

Mr. Chairman: I would say to the member for Hamilton Centre that this was certainly discussed in the opening remarks by the critics, I believe, of both opposition parties. Actually, it's now so close to 10:30, I think this might be an appropriate time to rise.

Mr. Warner: Mr. Chairman, if it's all right with you, I have a minute and a half and I can put pretty quickly on the record what I need.

Hon. W. Newman: You couldn't say anything in a minute and a half. It would take a week.

Mr. Chairman: I would say to the hon. member he has about a half a minute, be-

cause we usually adjourn the House at 10:30 and we have to rise and report.

Mr. Warner: Mr. Chairman, I have discussed the matter of the inquiry and my concerns about it with the minister, and I'd appreciate at some point getting his explanation with respect to these rules. When you set up an inquiry, you set out the rules. What happens when those ground rules are not being adhered to? What do we do then? Do we interrupt the inquiry? Do we start over again?

I think we deserve an explanation of that because I'm very uneasy about how this inquiry is proceeding under the rules that were set up by the minister.

On motion by Hon. Mr. Grossman, the committee of supply reported progress.

Hon. Mr. Grossman: Mr. Speaker, I might ask unanimous consent of the House at this time to table the answer to a question on behalf of the House leader.

Agreed.

ANSWER TO WRITTEN QUESTION

Hon. Mr. Grossman: Mr. Speaker, on behalf of the Hon. Mr. Welch, I wish to table the answer to question number 41 standing on the notice paper. (See appendix, page 2375.)

On motion by Hon. Mr. Grossman, the House adjourned at 10:30 p.m.

APPENDIX

(See page 2374)

41. **Mr. Reid**—Inquiry of the ministry: Would the Minister of Government Services indicate on what date the elevating device between the north wing and the main legislative building became operable, how many days since then it has been in working condition, and how much the repairs have cost? Also, would the minister indicate if this elevating device meets the city of Toronto bylaws and building code since there is now no alternative access for handicapped people when the elevating device does not work, and could he specify what alternative access there is for handicapped people who cannot negotiate the stairs between the two wings of the building? (Tabled November 15, 1977.)

Answer by the Minister of Government Services (Mr. McCague):

The elevating device between the north wing and the main legislative building became operable on September 15, 1977.

The elevating device has been in working condition since September 15, 1977, except for approximately eight days. Approximately two hours of this eight-day period were due to mechanical failure and there was no cost for repairs, due to manufacturer's warranty. The remainder of the eight-day period was required to modify the chair-lift safety controls.

The city of Toronto has no jurisdiction over elevators and/or lifting devices.

A portable ramp system will be available for quick installation in the event that the elevating device is out of operation.

CONTENTS

Monday, November 28, 1977

Estimates, Ministry of Consumer and Commercial Relations, Mr. Grossman, continued	2345
Tabling answer to written question 41, Mr. Grossman	2374
Motion to adjourn, Mr. Grossman, agreed to	2374
Appendix, answer to written question	2375

SPEAKERS IN THIS ISSUE

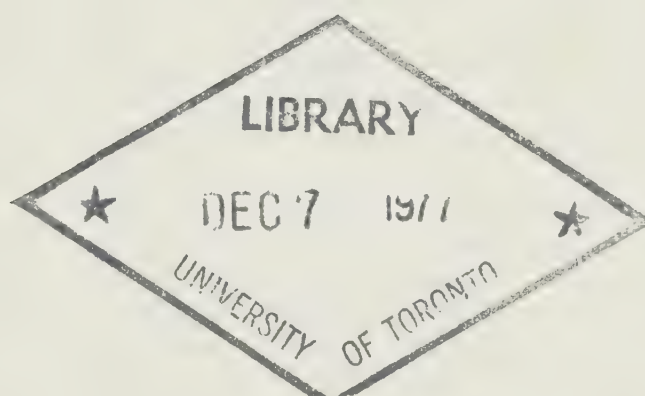
Baetz, R. C. (Ottawa West PC)
 Blundy, P. (Sarnia L)
 Bolan, M. (Nipissing L)
 Breithaupt, J. R. (Kitchener L)
 Conway, S. (Renfrew North L)
 Cureatz, S. (Durham East PC)
 Davison, M. (Hamilton Centre NDP)
 Eakins, J. (Victoria-Haliburton L)
 Edighoffer, H.; Chairman (Perth L)
 Germa, M. C. (Sudbury NDP)
 Grande, A. (Oakwood NDP)
 Gregory, M. E. C. (Mississauga East PC)
 Grossman, Hon. L.; Minister of Consumer and Commercial Relations (St. Andrew-St. Patrick PC)
 Kerrio, V. (Niagara Falls L)
 Martel, E. W. (Sudbury East NDP)
 Newman, Hon. W.; Minister of Agriculture and Food (Durham-York PC)
 O'Neil, H. (Quinte L)
 Reid, T. P. (Rainy River L)
 Rotenberg D.; Deputy Chairman (Wilson Heights PC)
 Roy, A. J. (Ottawa East L)
 Samis, G. (Cornwall NDP)
 Timbrell, Hon. D. R.; Minister of Health (Don Mills PC)
 Warner, D. (Scarborough-Ellesmere NDP)
 Worton, H. (Wellington South L)



No. 64

Legislature of Ontario Debates

Official Report (Hansard)
Daily Edition



First Session, 31st Parliament

Tuesday, November 29, 1977

Afternoon Sitting

Speaker: Honourable John E. Stokes

Clerk: Roderick Lewis, Q.C.



CONTENTS

A list of the speakers taking part in the debates in this issue of Hansard appears, in alphabetical order, at the back of this issue.

Daily contents of proceedings also appears at the back of this issue. Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff. Phone 965-2159.

Hansard subscription price is \$15.00 per session, from: Sessional Subscription Service, Printing Services Branch, Ministry of Government Services, 9th Floor, Ferguson Block, Parliament Buildings, Toronto M7A 1N3. Phone 965-2238.

Published by the Legislature of the Province of Ontario.
Editor of Debates: Peter Brannan.

LEGISLATURE OF ONTARIO

TUESDAY, NOVEMBER 29, 1977

The House met at 2 p.m.

Prayers.

STATEMENTS BY THE MINISTRY

BOUNDARY PROPOSALS IN THE ROBARTS, ARCHER AND MAYO REPORTS

Hon. Mr. McKeough: Mr. Speaker, upon the release of the report of the royal commission on Metropolitan Toronto, the Archer report on the regional municipality of Niagara and Dr. Mayo's report on Ottawa-Carleton, I invited the municipalities, local boards and the general public to advise me of their views and concerns about the various recommendations. Throughout the province's review of the findings and recommendations of the reports, very close attention has been directed to the municipal and public response to the proposals. In this way, we hope to respond to the concerns of the residents of Metropolitan Toronto and the two regions in our review and decisions on the three reports.

To date, the response to the Robarts report has been substantial. At present more than 400 submissions have been sent to me from municipalities, local boards, private organizations, ratepayers' groups and many individual residents. Most of the municipalities and local boards in Metropolitan Toronto have already submitted their briefs on the report, and I expect to hear from the remainder in the near future.

It will be a surprise to no one, I am sure, that the boundary proposals in the report appear to have received the greatest amount of scrutiny and concern, certainly from the public. More than 75 per cent of the public's briefs have been directed to the boundary issue alone. I might add that this figure excludes more than 7,000 coupons sent to me from residents of Scarborough objecting strongly to any shift in that borough's boundaries. From early indications, I expect that a similar expression of public concern may accompany the soon-to-be-submitted borough of North York brief.

In examining these submissions, it is apparent that little public and municipal sup-

port exists or can be anticipated in the future for the municipal boundary proposals recommended by the royal commission. It is evident to me that many residents of Metropolitan Toronto are very concerned and upset about the possible effects that the commission's boundary proposals might have on existing local services, local taxes and community identification. With only a few exceptions almost all public submissions have objected to any major change to the present boundaries of the local municipalities in Metropolitan Toronto. Only the boroughs of York and East York have expressed support for the boundary proposals in the report. Other municipalities have objected to the commission's proposals and have either requested no change or have recommended alternative boundary arrangements.

Mr. Nixon: These are the Robarts recommendations.

Hon. Mr. McKeough: Many of the arguments in opposition are persuasive. For example, major shifts in municipal boundaries can cause significant emotional and physical disruptions to the community. Our view of Mr. Robarts' report, so far, indicates that no significant improvements to the system of representation on the Metropolitan council would necessarily occur through major municipal boundary shifts. There may be other alternatives to arriving at more equitable representation arrangements, if it is seen to be necessary. It is also evident that the proposed boundary changes alone would not provide substantial benefits to the overall financial position and servicing potential of the municipalities in Metropolitan Toronto.

On the other hand, the boundary proposals in the report would have only a minor impact on the total local government spending and taxation due to the large portion of the local tax bill taken by the Metropolitan and educational levies. The analysis of the report also indicates that short-run tax shifts would be rather small—increases or decreases in the range of \$10 to \$20 per household.

In response to these municipal and public concerns, I wish to announce today that it is not my intention to proceed with any major changes to the existing boundaries of the area municipalities in Metropolitan Toronto.

In reaching this decision, I have considered very carefully the arguments and evidence both in support of and in opposition to this proposal. I am also hopeful that this decision will now permit us to concentrate our efforts on the other important proposals in the report, for example, on improving accountability, the level and allocation of responsibilities and the financial and other resource capacities of the municipalities.

Mr. Lewis: The government might even appoint a commission to look into that.

Hon. Mr. McKeough: I note, however, that the boundary proposal in the report would correct some of the existing minor anomalies in the boundaries between some of the area municipalities in Metropolitan Toronto. I have in mind, for example, the southeast section of the borough of York, extending east of Bathurst Street and along St. Clair Avenue to the Spadina Road area of the city of Toronto, affecting, as a matter of fact, the apartment building in which I live. It should probably be included in the city of Toronto.

Mr. Lewis: Conflict of interest.

Mr. Nixon: Make it a suburb of Chatham.

Hon. Mr. McKeough: I am hopeful that such minor refinements in municipal boundaries could be undertaken with the mutual agreement of the affected municipalities and with a minimum of disruption and cost to the communities.

As for boundaries in the regional municipality of Niagara, again the majority of responses from the public was against any change, in particular the proposal to establish the new city of Lincoln. No municipal councils supported the change. I am not convinced that this new municipal configuration would of itself protect farmland, as Mr. Archer contends. I am, therefore, of the view that the internal boundaries in Niagara should remain as at present.

Let me now turn to the regional municipality of Ottawa-Carleton. Here, too, boundaries are generating a good deal of response and no little consternation. I think it is important for me to say something now about what should be done about the Ottawa-Carleton boundaries. It is my hope that this can lay to rest the speculation and while I don't expect euphoria, I would like to get on with our analysis of what I consider to be equally, if not more important, issues of roles, responsibilities and electoral processes in local government in Ottawa-Carleton.

Conditions are different in Ottawa-Carleton than in either Metro Toronto or Niagara. For that reason, I think some boundary changes would be in order.

Mr. Roy: Like what?

Mr. Lewis: Just a personal preference, I take it, a kind of a pin on the map.

Hon. Mr. McKeough: There are some that I do not accept. Again it is evident to me that the residents of the areas that would be affected by boundary changes are very concerned and upset about the possible effects on existing local services, local taxes and community identification.

As in Metro, I am not convinced the changes provided substantial benefits to the overall financial position in the arrangements in Ottawa-Carleton. I wish to state today that I am not prepared then to accept the proposal that Rideau and Goulbourn be merged, nor do I accept the proposal that Russell township be included in Ottawa-Carleton.

I would, however, like to encourage the incorporation of a western city in the Kanata area much along the lines proposed. It is my view that that proposal has some general support and the urbanizing area should be within the bounds of one municipality. A shift to Arnprior of some of the northwest corner of West Carleton township makes sense as well.

One of the most controversial propositions was that Rockcliffe Park village and a part of Ottawa be joined to the city of Vanier. I cannot in all conscience propose to continue the situation in which one municipality, Rockcliffe Park, enjoys such an imbalance in the representational arrangements, which is very seriously out of line with our general goal of greater equity.

I, therefore, propose that those parts of Ottawa suggested to go to Vanier remain in Ottawa, that that part of Gloucester remain in Gloucester rather than be joined to Vanier, and that Rockcliffe Park join the city of Ottawa. There may also be some minor adjustments that the municipalities may wish to pursue to adjust boundaries, which we will be pleased to consider.

CITIZEN COMPLAINTS AND POLICE DISCIPLINE REVIEW BOARD

Hon. Mr. MacBeth: Later this afternoon I'll be introducing two bills to amend the Police Act.

Mr. Roy: Is the minister kidding?

Hon. Mr. MacBeth: One bill will establish a new system for dealing with citizens' complaints against the police, a subject on which I have previously addressed this House.

Mr. Roy: Don't get carried away.

Hon. Mr. MacBeth: The bill would create a civilian authority at the provincial level to oversee the handling of these complaints and any consequential disciplining of police officers.

Mr. Lewis: That's a change.

Hon. Mr. MacBeth: Complaints and discipline would be the special focus and responsibility of this new authority. The ministry accepts the principle that the police should not be the final arbiters in their own cause. We are, therefore, proposing the establishment of a new commissioner of citizen complaints who would be independent of the police. The complaints commissioner would be principally concerned with receiving and looking into the complaints of citizens who feel aggrieved by action taken at the local level.

Mr. Lewis: You have already appointed Phil Givens.

Hon. Mr. MacBeth: The complaints commissioner would have the power to order public hearings before a new body known as the citizen complaints and police discipline review board.

Mr. Lewis: This is the Vernon Singer bill, I presume.

Hon. Mr. MacBeth: Under the proposed system, existing local police complaint bureaux would be continued. It is felt that the local police are in the best position to respond to complaints in the first instance, that they have the expertise to conduct a proper investigation and that they have a responsibility to answer the concerns of the citizens they are sworn to protect. The new mechanism at the provincial level would apply to all police forces and would be superimposed upon existing complaint bureaux.

We are indebted to the various studies and reports recently made on this subject. The report of Mr. Arthur Maloney, QC, was of particular assistance in preparing the legislation, as were the reports of the Honourable Mr. Justice Morand and His Honour, Judge Rene Marin. Although no one system could be adopted in its totality, the proposed legislation draws extensively from these reports.

I wish also to advise that the consultation process was very successful in this instance. We are grateful to police associations, police governing bodies, chiefs of police and other interested groups for the full co-operation they have extended during the course of discussions. The points of view were, of course, many and varied, and my ministry was involved in a lengthy process of compromise

and conflict resolution. I now feel, however, that the time has come for action. We must venture into this field in a highly visible way and then let the experience in action decide whether the structure created is doing the job it was intended to do.

Mr. Roy: The minister is hard to recognize on that line.

Mr. Lewis: It is called the Frank Drea syndrome.

Hon. Mr. MacBeth: Under the proposed system, a citizen having a complaint against a police officer might take his complaint to the police force concerned or to the commissioner of citizen complaints. Where possible, citizens would be encouraged to take their complaints to the local police complaint bureau. A police force receiving a complaint would be required to record and investigate it and to keep the commissioner of citizen complaints informed. The chief of police would have a discretion to refer more serious complaints to the complaints commissioner.

The system is designed to encourage the early and informal resolution of complaints at the local level.

[2:15]

The complaints commissioner would act as an external and independent reviewing authority and would oversee the handling of citizens' complaints by police. His jurisdiction would be flexible. He would have a discretion to refer complaints received by him to the local police for investigation and disposition. He might also choose to investigate a complaint and would have an investigative staff for this purpose. The complaints commissioner would also, at the request of a dissatisfied citizen, investigate and review any particular complaint or the procedures followed by the police in its response. The investigatory power of the commissioner of citizens' complaints would be similar to those of the Ombudsman.

The complaints commissioner would be empowered to direct that a public hearing be held before a citizen complaints and police discipline review board where there is evidence of misconduct by a police officer that is of a serious nature. The hearing would follow an investigation of the complaint by the complaints commissioner, either of his own motion or in response to the request of a dissatisfied citizen. The police officer would receive proper notice of any allegation of misconduct made against him. Disciplinary penalties might be applied where the misconduct is established. The bill retains existing safeguards and protections for the rights

of a defendant police officer and further extends these protections.

I expect the members will wish to consider this bill in some detail in committee and re-introduction may therefore be necessary.

The second bill implements the recommendations of the McRuer royal commission inquiry into civil rights and contains other housekeeping provisions.

Mr. S. Smith: Who does the minister have in mind for the commissioner's job?

Hon. Mr. MacBeth: For example, regulations made by a board of commissioners of police would require the approval of the Ontario Police Commission and would be available for public inspection. The bill would also alter the composition of a board of commissioners of police by repealing the requirement that one member be a judge.

The bill also affects police budgets by permitting the municipal council to determine their amount. The board of commissioners of police would, however, have a right to appeal to the Ontario Police Commission and the commission might, after a hearing, order that additional moneys be provided where essential for providing and maintaining an adequate police force in accordance with the police needs of the municipality. Authority would also be provided to pay the legal costs incurred by members of a police force where a royal commission is examining the conduct of a member in the performance of his duties.

Mr. Speaker, it is my hope that this bill will draw the support of the members and receive a speedy passage into law.

I would add that I will also be introducing a third bill to prohibit the use of radar warning devices in motor vehicles.

CONDOMINIUM LEGISLATION

Hon. Mr. Grossman: Mr. Speaker, today after question period, I will be introducing a bill to amend the Condominium Act.

As the hon. members know, my ministry established the residential condominium study group to review the entire area of condominium legislation. I'm sure that the members opposite also know that the government plans to revise the Condominium Act after we have had a chance to analyse the results of that study which I can now assure the House I will be able to table before the House rises for the Christmas break.

Mr. Breaugh: That will be nice.

Mr. Warner: That's speedy.

Hon. Mr. Grossman: I don't like piecemeal legislation and would have preferred to introduce a new Act in its entirety at this time but the import of this particular issue is so

critical that we felt that we had to move immediately to protect those members of the public living in or contemplating the purchase of a condominium.

Mr. Foulds: What about those who have already been hoodwinked?

Hon. Mr. Grossman: This amendment is designed to relieve the difficulties which result to a residential condominium corporation when an individual unit owner is in default of his common expense payments. Under the present Act, liens for unpaid common expenses are subsequent to all other encumbrances, including mortgages. Therefore, unpaid expenses can be collected only after a sale or foreclosure and only after the payment of the outstanding mortgages.

In practice, the condominium corporation is rarely able to collect unpaid expenses. Because of the low equity in many of these units and because of falling property values, there is often little money left over to cover common expenses once the mortgages have been paid. This deficit must be made up by the remaining unit owners.

The condominium corporation should have a speedy means of recovering common expenses owing it. Therefore, this amendment will give liens for common expenses priority over all registered encumbrances with the exception of land taxes and a few other statutory liens. The effect of this will be that the condominium corporation will likely obtain payment of the arrears from the mortgagee. The mortgagee will then be able to add the amount paid for arrears to the outstanding principal due. To prevent the accumulation of unpaid expenses over long periods of time, this amendment provides the corporation must register its lien within three months and at the same time notify the mortgagees of the default of payment of the common expenses.

This amendment applies to all mortgages on residential condominiums only and it will affect unpaid common expenses occurring after January 1, 1978, or such other date as may be named. This amendment will have a number of consequences. It will not only permit a condominium corporation to recover arrears quickly but discourage default of common expenses. Mortgagees will likely collect the common expenses of a unit owner and contribute them to the condominium corporation on behalf of the unit owner. We have included a provision for this in the amendment. Mortgage lenders will likely take more stringent measures to protect their security. They may require larger equity participation by purchasers.

We also expect that they will consider common expense payments when evaluating whether a consumer can afford to purchase a unit. This may result in fewer individuals being able to qualify for mortgage finances. However, we expect that condominium buyers in the future will be much better informed as to the true cost of owning a unit.

We also anticipate that mortgage lenders will play a more active role in the management of the condominium corporation. They may, for example, request reviews of the corporation's books before paying common expenses. This should encourage condominium directors to maintain sound financial management.

This amendment will rectify an inherent weakness in the Condominium Act. The size of common expense payments was not foreseen when the Condominium Act was proclaimed some 10 years ago. Unfortunately, default of common expenses has grown into a serious financial problem for condominium corporations. Therefore, in order to protect the hundreds of thousands of condominium owners in this province, we are introducing this bill at this time. Although I have not yet received the report of the condominium study group, I have assurance that this step is consistent with the overall aims of the group's recommendations.

Mr. Roy: You are not thanking Darwin Kealey for some input into that?

Hon. Mr. Grossman: I wouldn't do that, I'm not partisan.

ORAL QUESTIONS

BOUNDARY PROPOSALS

Mr. S. Smith: A question of the Treasurer, Mr. Speaker: I want to congratulate the Treasurer for putting to rest the boundary matter in the Toronto area but I want to ask him what he now sees as the future for York and for East York in view of the repeated claims which apparently were persuasive to Mr. Robarts—that in the long run there's a certain problem with their ratio of assessment, residential to commercial and industrial. What kind of solutions does he see for the long term viability of those two boroughs?

Hon. Mr. McKeough: Mr. Speaker, this of course would depend on the decision of my colleague, the Minister of Education (Mr. Wells) and his ultimate recommendation with respect to the future of the Metropolitan Toronto school board. At the present moment something like 80 cents on the dollar of

taxes is in fact spread over the whole of Metro between the Metropolitan levy and between the Metropolitan Toronto educational levy so that if there is an advantage or disadvantage, it is really confined depending on industrial or residential assessment ratios. It is really only one-fifth of the problem that it appears to be because it only affects the local levy.

The grants reform committee report, for example, recommended the strengthening of the resource equalization grant. That's a decision of course which I have not yet taken, but I would anticipate that as future grants are developed there will be a greater emphasis in the equalization area—that's just a hunch that I have at the moment—which of course would be to the benefit of the York, East York and many other municipalities throughout the province.

The question, however, I think at the moment is premature. We are not completely satisfied with Mr. Robarts' reasoning in this area and we will be developing figures of our own.

Mr. Warner: Is the Treasurer telling us that although Mr. Robarts identified a financial problem, particularly for the boroughs of York and East York, and put forward a suggestion to correct the problem by moving boundaries, the Treasurer has discarded his suggestion and has nothing concrete to put in its place?

Hon. Mr. McKeough: I pointed out in the statement that even if Mr. Robarts' suggestions were implemented, they would work out to a tax shift of about \$15 or \$20 per household, which is hardly earth-shattering either one way or another, either to those who would pay more by moving or those who inevitably would pay something less. With respect to those who have written and the campaign of some in some parts of Metropolitan Toronto, I don't think the figures prove to be as earth-shattering as some would have us believe them to be.

Mr. Roy: I have a supplementary to the minister's statement in relation to the regional municipality of Ottawa-Carleton. Having rejected the Mayo report's recommendations about certain parts of Ottawa going with Vanier and certain parts of Gloucester going with Vanier and with Rockcliffe now going with Ottawa; and then turning to page six of the minister's statement where he says, "Some boundary changes would be in order," would the minister advise the House and allay the fears of the citizens of Vanier that what he has in mind is to have the city of Vanier join with the city of Ottawa?

Hon. Mr. McKeough: No, I am not suggesting that.

Mr. Elgie: In view of the fact that the borough of East York has no area of land into which it can expand to improve its industrial-commercial tax base, and in view of the fact that it has the most rapidly rising mill rate of any municipality in Metropolitan Toronto, may we then assume that the minister is going to give serious consideration to means of assisting boroughs such as this with any financial problems they may well run into in the years ahead?

Hon. Mr. McKeough: When we have completed our examination of the Robarts report and are in a position to recommend changes to the Legislature, it could be that there may be specific financial recommendations, either in the municipal area or, for that matter, in the education area. Whether that is the ultimately chosen route or whether a strengthening, as I have said, of the resource equalization grant in the unconditional grants mechanism is the best route to follow, I simply don't know at this moment.

However, I think the member can be assured that deciding to stay with the six borough arrangement more or less on the present boundary lines does not mean we are not aware that some boroughs have been perhaps more equal than others and some have been more advantaged than others. Certainly some mechanism will have to be considered, either generally or specifically, where possible, to adjust those inequities, if they are there and depending on how serious they may be.

Mr. Roy: Mr. Speaker, may I ask an additional supplementary?

Mr. Speaker: No, not at this time. We have had the original question and three supplementaries.

POLICE ACCESS TO OHIP DATA

Mr. S. Smith: A question of the Minister of Health: Is the minister now better informed, following conversations with the manager of OHIP, about police access to OHIP information? If so, can he give the House a detailed explanation of how the information is given out, what the procedure is, how the clerks who receive the calls know about it, how the calls are handled, what information is supplied and how often?

Hon. Mr. Timbrell: As the hon. member would know, the investigation of this matter is being carried on. While my colleague the Attorney General (Mr. McMurtry) and I

have had several discussions about the subject, it is by no means yet complete.

This matter arose several weeks ago, at which time I did immediately call in the general manager of OHIP and discussed it with him. I determined that we are talking about basic biographical information or, as it is sometimes referred to, tombstone data. [2:30]

I want to, if I may, while I'm responding to the member's question, indicate that in one of the most recent editorials in the Toronto papers the impression has been left with the people that we're talking about medical files here. That is not the case at all. I should explain that OHIP is organized into two sections, enrolment and claims. The claims section is where one would find the files on services rendered and that information is not given out.

The numbers I don't have yet. I would certainly be prepared, once my colleague has completed his aspect of this investigation and once we have been able to come together and finalize a review of it, to give a complete review of what we've looked at and what we propose to do. In the meantime, particularly in the light of a number of concerns raised with me, I have ordered that the inquiries from the police of whatever force not be answered pending the completion of this investigation and review.

Mr. S. Smith: Supplementary: Can the minister confirm that this policy of giving out so-called enrolment file data goes back to about 1960? Can he confirm that it's given out about 10 to 12 times a year? Can he confirm that the enrolment file states the name, sex, marital status and OHIP number?

If he can confirm those points, will he tell the House two things: First of all, since the address doesn't seem to be included in that enrolment file and since, because of the duplication of names, it's frequently important to have the OHIP number to begin with to get the information, how does such information help in locating criminals?

Second, is this giving out of information not a violation of section 44 of the Health Insurance Act in the minister's opinion? If not, can he table some legal opinion to back that up?

Hon. Mr. Timbrell: To answer the last part first, I would have to be guided on that by my colleague, the Attorney General, particularly because of that concern which has arisen in recent days, that perhaps there is some doubt in some people's minds, from what I've read in the press, about legality

of that section, that I've ordered a suspension of the answering of any such inquiries.

I believe the practice goes back to 1959. As to the numbers, offhand I can't answer that at this point, but certainly will attempt to do so when I respond at a later date once all of this is complete.

Mr. S. Smith: What about the address? Is the address part of the data?

Hon. Mr. Timbrell: The address I believe is on the card.

Mr. S. Smith: Is the address part of the enrolment data?

Hon. Mr. Timbrell: Of the enrolment data? I believe it is.

Mr. Lewis: Supplementary: Can the minister explain to us why he is toying with this subject this way? Why is he not prepared to indicate to the Legislature now who releases the material to the police when it is requested? Why are we forever delayed in getting access to that kind of specific detail for which there is no need for an extensive or exhaustive police investigation? How does it go out regularly when section 44 is so explicit that only the name can be given? How is it that OHIP is prepared to give material beyond that?

Hon. Mr. Timbrell: I think that's the problem. There is some disagreement among the legal types as to what section 44 does actually mean. I must tell the member that even within my own legal branch I'm getting different opinions from different lawyers. That's something we've got to sort out and that's why I've suspended the answering of any inquiries.

Mr. Lewis: Who gives the information?

Hon. Mr. Timbrell: The thing is the member could go into the Toronto regional office of OHIP to confirm his enrolment, to check the status of his enrolment—

Mr. Lewis: Thank you very much.

Hon. Mr. Timbrell: —at 2195 Yonge Street. I couldn't do it for the member. He'd have to do it or he would have to designate someone as being—

Mr. Reid: Have the RCMP do it for you.

Hon. Mr. Timbrell: Yes, that could be arranged, I think.

Mr. Roy: Obviously you have in the past.

Mr. Lewis: Don't divert. What about the police? Who gives it to them?

Hon. Mr. Timbrell: The police would inquire of either the head office, the enrolment branch, or they could go—

Mr. Reid: Who authorizes it?

Mr. S. Smith: It is in the enrolment manual of OHIP.

Hon. Mr. Timbrell: —as has been the case, to the regional office, the local OHIP office.

Mr. Lewis: It's great. It is like a sieve.

Mr. S. Smith: A supplementary: Is the minister aware that the general manager of OHIP has today confirmed to us that the address is not part of the enrolment file? Under these circumstances, can the minister explain how such a file can be useful in locating possible criminals? Under these circumstances, is he satisfied that the OHIP number is not being utilized to gain access to some other medical document?

Hon. Mr. Timbrell: Mr. Speaker, I said earlier that I believed it was. I will check that out.

Mr. McClellan: You are wrong again.

Hon. Mr. Timbrell: I am not in the business in this portfolio of apprehending criminals, so I would defer to people expert in that.

Mr. Foulds: You are not even in the business of finding out what is going on in your ministry.

Mr. Deans: Supplementary: Mr. Speaker, I wonder if the minister could outline exactly what the procedure is for anyone, the police in particular, to be able to gain access to any information. I have been trying to get that now for almost two weeks. Surely there is a laid-down procedure which determines who is authorized to give out information to anyone under any circumstances.

Mr. S. Smith: It is in the enrolment manual.

Mrs. Campbell: Read it.

Hon. Mr. Timbrell: Would the member like me to read the section of the guideline on that? I know that there is a guideline on that.

Mr. Lewis: Read it yes, by all means.

Mr. Swart: Read it.

Mr. Lewis: Don't flip through the papers in an engaging way, read it.

Mr. Speaker: Order, please.

Hon. Mr. Timbrell: I'll try to answer the question in an engaging way, then. I think the member's earlier questions had to do with hospital records. As I indicated to the Speaker, I certainly have an answer on that, which I did try to give to the member last week, but time ran out and I wasn't called to give it.

But with respect to how the system is organized, what I indicated earlier was that

when the Attorney General's aspect of the investigation is complete, when he and I have had a chance to talk about it—

Mr. Lewis: The minister is afraid to read it, isn't he?

Hon. Mr. Timbrell: No, I am about to.

Mr. Lewis: Then read it, man, read it.

Hon. Mr. Timbrell: I will decide how I will answer the question, thanks very much.

Mr. Foulds: Why are you stonewalling?

Mr. Roy: Do you know what is going on or don't you?

Mr. Wildman: In other words you don't want to read it.

Hon. Mr. Timbrell: Why doesn't the member just tell me the answer he wants and I'll decide whether I want to give it to him? That is the way it is sounding.

Mr. Lewis: I want to hear the section.

Mr. Speaker: Why doesn't the hon. Minister of Health just answer the question?

Hon. Mr. Timbrell: Thank you, sir, I will.

Mr. Wildman: Redirect it to the Minister of Energy (Mr. J. A. Taylor).

Hon. Mr. Timbrell: The member is going to break his neck, he is having to lean down to listen to this.

With respect to police matters, the manual says: "In situations involving police matters, the inquirer's identity, rank and location must be established and confirmed before any information can be given concerning an OHIP subscriber." The practice has been—

Mr. Foulds: But who does it?

Hon. Mr. Rhodes: You are losing control.

Hon. Mr. Timbrell: The staff in the enrolment branch. That is what I have been telling you.

Mr. Foulds: Anybody.

Mr. Warner: Everyone.

Mr. Speaker: The hon. member for Scarborough West with a new question?

Mr. Lewis: I'd like to come back to this, sensing in the minister's reticence something more than has been revealed. Could he perhaps read us the paragraph which prefaces what he just read, repeat what he just read, and the paragraph that follows? Could he do that, just as a decent sort?

Mr. Reid: Or table the whole bunch.

Mr. S. Smith: The clerk has instructions.

Hon. Mr. Timbrell: Mr. Speaker, the earlier section has to do with checking the correctness of OHIP numbers, which is for inquiries from subscribers. Just to read it again: "A subscriber's OHIP records are to be treated

as confidential and are not to be available to general inquiries. In situations involving police matters"—as I indicated—

Mr. Lewis: Just slowly. More slowly.

Hon. Mr. Timbrell:—"wherever possible such police inquiries should be made in writing." And that is the practice of the enrolment section.

Mr. Lewis: "Wherever possible."

Mr. S. Smith: Oh, no. There is no log kept.

Mr. Lewis: Do you have any indication that the police inquiries have been made in writing? Do you have a file of written police inquiries about individual OHIP enrolments?

Mr. S. Smith: No log is kept.

Hon. Mr. Timbrell: It is not available to me at this time.

Mr. Lewis: That is why you don't read that stuff. It's ridiculous.

Hon. Mr. Timbrell: There is nothing here to read.

Mr. Roy: You are stonewalling.

Mr. Reid: When the minister took over as Minister of Health, was he briefed by the senior officials in his ministry as to the fact that this practice in fact was going on? When did he first learn as minister that this information was being made available?

Mr. S. Smith: One week ago, Dennis. Why don't you just say so?

Hon. Mr. Timbrell: This was not one of the areas that was highlighted at that time. I was not aware that it was a potential problem until recently, at which time I did—

Mr. Reid: Don't you think you should have been?

Mr. Foulds: You really don't have a grasp of that ministry, do you?

Hon. Mr. Timbrell:—bring in the staff to begin an internal investigation of what exactly is our procedure.

Mr. Duszta: Supplementary: Does the minister remember two weeks ago in the beginning of estimates denying that the whole process took place?

Hon. Mr. Timbrell: In the what?

Mr. Duszta: Does the minister remember during the beginning of the Health estimates saying that this procedure did not take place and he had no knowledge of it and it could not possibly happen in the Ministry of Health?

Mr. Lewis: That's right.

Hon. Mr. Timbrell: No, with respect, Mr. Speaker—and I could be corrected, we'll check Hansard—I believe that had to do with the medical records. Again, I point out we are talking about the activities relating to the en-

rolment section which is dealing with basic biographical data, not with the claims branch which is dealing with medical records.

Mr. Lewis: Not good enough. You have nothing in writing. No laws.

Mr. Speaker: Final supplementary, the hon. member for Ottawa East.

Mr. Roy: In view of the great public concern about this issue and the fact that it has been raised now for two weeks, and that the member for Don Mills is the Minister of Health, as I last recall, is he not in a position to tell us whether any of this information was furnished pursuant to any court order or to any process of the court pursuant to section 44 of the Health Insurance Act?

Mr. Lewis: Section 44(2)(e).

Mr. Roy: Can he not tell us whether any procedures at all that he is aware of were taken through the courts to get this information?

Hon. Mr. Timbrell: What we have been discussing here, Mr. Speaker, have been the—if you will—inquiries for the basic biographical data.

Mr. Roy: That might be required, if he has to go through this.

Hon. Mr. Timbrell: That is exactly why I indicated earlier I have ordered a suspension of the answering of inquiries because certain legal minds have indicated that they have some doubt as to this situation.

Mr. Roy: The minister doesn't know what is going on.

Hon. Mr. Timbrell: So until that is cleared up and until the Attorney General and I have a chance to discuss this matter, once he has completed his part of the investigation those inquiries will not be answered.

Mr. Speaker: The hon. member for Scarborough West with his final question.

Mr. McClellan: On a point of personal privilege, Mr. Speaker.

Mr. Speaker: Is it urgent?

Mr. McClellan: Yes. With respect to the minister's answer of a few minutes ago I want to bring to your attention that on November 15 the minister said, in the estimates debate on page 655 of Hansard, as follows: "However, the information"—

Mr. Speaker: Whose privilege is being abrogated?

Mr. Lewis: Our privilege. It is misinformation.

Mr. McClellan: May I state the point and then you can decide?

Mr. Sargent: He can ask a point of privilege any time he wants to.

Mr. McClellan: With respect, I would like to state the point and then you can determine whether it is.

Mr. Speaker: I can't hear the hon. member.

Mr. McClellan: "However, the information that I have had to date is that there is no record of any contact, certainly no authorization or any sort of thing between OHIP and the RCMP." The minister said that on November 15.

Hon. Mr. Timbrell: I answered that.

Mr. Deans: Which means that someone has been misled.

Hon. Mr. Timbrell: With respect, I believe I answered that. I'm trying to find it; I've got the regular Hansard. I believe that what we were talking about was a medical record and certainly that was the overriding concern, that medical records not be released.

Mr. Lewis: Were you giving me a supplementary, a final supplementary?

Mr. Speaker: No, I was giving you an opportunity to place your second question.

Mr. Lewis: Thank you, sir. Well, I was trying.

PSYCHOLOGICAL TESTING OF POLICE

Mr. Lewis: May I ask of the Solicitor General, in the legislation which he will introduce today is there a provision pursuant to the Pitman task force on racism that the police should study the need for psychological testing of police recruits; that is to say, that a psychological testing apparatus be put in place for the hiring of police recruits?

Hon. Mr. MacBeth: In the legislation that I intend to introduce today, sir?

Mr. Lewis: Yes.

Hon. Mr. MacBeth: No, there is nothing to do with that at all in that legislation. I'm speaking from memory but it deals with citizens' complaint procedures.

Mr. Lewis: The second bill I meant.

Hon. Mr. MacBeth: No, the second bill has no reference to that at all. The answer is no.

Mr. Lewis: All right. By way of supplementary, if it is not covered in existing legislation and since it is a specific and provincial initiative which could be taken as a result of Pitman's recommendations, is the minister prepared to act on it?

Hon. Mr. MacBeth: Mr. Speaker, I have asked today for a copy of that report from Mr. Pitman which as you know went to the city council. I haven't seen that report yet but certainly the very fact that I have asked for it shows we are interested in it. I'll take

whatever those recommendations he may make in regard to racism under advisement. [2:45]

The second bill will, I hope, go to committee and since it deals with the police legislation there may be provision at the committee stage, both on our suggestion or on your suggestion, to introduce amendments at that time. But certainly we'll take it under advisement, sir.

USE OF INFLUENCE

Mr. Cunningham: Mr. Speaker, my question is for the hon. Solicitor General. I'm wondering what would cause the RCMP to launch an investigation into "alleged municipal corruption in the city of Mississauga." And what was the nature of the strain that existed between the RCMP and provincial authorities?

Hon. Mr. MacBeth: Mr. Speaker, I know very little about that situation, except that some time ago there was an investigation going on in Mississauga. I understood that it had come to termination, from the OPP's point of view, when it found that the RCMP was involved. From information they had, they considered it was purely a matter of provincial jurisdiction, I think, and as far as I know there was no matter of RCMP jurisdiction at all. So it's a matter of the RCMP looking after their matters and the OPP looking after theirs.

Mr. Cunningham: Supplementary, Mr. Speaker: Is the minister aware of whether or not there is any investigation currently under way with regard to the possibility of arson in the fire at Judge Stortini's personal residence?

Hon. Mr. MacBeth: I don't know of any, sir, but I'll make inquiries.

NURSING HOMES

Mr. Warner: To the Minister of Health: Since it's now evident that the nursing homes inspection branch has been reluctant to prosecute nursing homes for violations of the Act, and that a lot of pressure has been put on the tough inspectors who've been in the ministry, will the minister now agree that we need a full inquiry with the inspection reports being released so that we can get to the source of the problem, correct it, and by so doing protect the dignity and well-being of the residents of the nursing homes in the province of Ontario?

Hon. Mr. Timbrell: Mr. Speaker, I think we've been through this very well and if I may, at the conclusion of this, read from Hansard for estimates where we were talk-

ing about medical records, because my answer stands there.

But with respect, I can only repeat what I said in estimates, and that is so far as I'm concerned—and I can only answer for myself—the inspectors in that branch have every authority from me to be as firm as necessary where they think it is warranted, to recommend prosecution or move to revoke licences; and they will be backed up in their firmness.

Mr. Warner: Supplementary, Mr. Speaker: Since Mr. Malcolm Walker, the director of the Ontario Nursing Home Association asserts that the ministry has been, and I quote his words, "a little soft in its treatment of cases where the nursing home has violated the Nursing Homes Act," how many more horror stories must I and my colleagues raise in this assembly before the minister will admit that we need a full inquiry into the nursing homes in this province?

Hon. Mr. Timbrell: As the hon. member knows we have 378 nursing homes in this province.

Mr. Lewis: That's not very many.

Hon. Mr. Timbrell: I detailed to the committee, I guess it was last week, the thousands of inspections that are carried on every year, routine inspections and inspections in answer to complaints. I suppose, if the member wanted to take one complaint at a time, we could try every day to run through an individual complaint and try to make that an issue.

Mr. Laughren: Won't wash.

Hon. Mr. Timbrell: I'm saying to the member that I'm satisfied first of all that my inspectors understand how firmly I feel on this. Secondly, I'm telling the member that we have reviewed the Act and the regulations, as he knows, and I've put forward certain recommendations; and we are certainly prepared to receive reactions to that and additional recommendations on how we might further bring the Act up to date.

Since 1972, when my predecessor Dr. Potter brought in the new Act, we have done a lot to clean up the nursing home situation. A total of 208 of the facilities which existed at that time have for one reason or another since been closed. I suggest to the member that the kind of expensive inquiry that he's talking about would not do as much good as we are doing in trying to strengthen the Act and carry it out.

LIQUOR ADVERTISING

Mr. Baetz: Mr. Speaker, I have a question for the Minister of Consumer and Com-

mercial Relations. In view of this Legislature's concern with the minimum legal drinking age and the related question of liquor advertising, and in view of the fact that the latest edition of Maclean's, our own unofficial national magazine, with a total of 80 pages, had an aggregate of no fewer than 21 pages on liquor advertising—

Mr. Lewis: That's Maclean's contribution to national unity.

Mr. Samis: Try Saturday Night.

Mr. Baetz: —does the minister feel that it is within his mandate to ask Maclean's at least to reduce its liquor advertising and thus practice one of its advertiser's own exhortations that those who think of tomorrow practice moderation today?

Mr. Samis: What about free enterprise?

Mr. Lewis: Stay out of the private sector.

Hon. Mr. Grossman: As a matter of fact my ministry, in conjunction with the Liquor Licence Board—

Mr. Laughren: Leave free enterprise alone.

Hon. Mr. Grossman: —is currently considering some changes which would affect the amount of advertising and put some restrictions in terms of the number of inches and the number of times in a particular issue of a magazine as to advertising to be permitted.

Mr. Makarchuk: Does the minister mean he is going to interfere with free enterprise?

Mr. Laughren: The minister wouldn't.

Hon. Mr. Grossman: These things are under careful consideration. We may be bringing them forward in the near future. This is within the context of our plans to present a complete package in the spring. Either there will be something forthcoming in the near future—

Mr. Swart: Or there will not.

Hon. Mr. Grossman: —on this specific subject or it will be part of our spring package pursuant to the statement of the Premier (Mr. Davis) of November 10.

Mr. Conway: Can the minister give us at this point in time anything specific by way of proposals he might entertain to redress the concerns so properly put by the member for Ottawa West about the serious implications that this lifestyle advertising has for this matter of public concern?

Hon. Mr. Kerr: Lifestyle?

Hon. Mr. Grossman: Yes, specifically I would entertain a lot of proposals. A lot of them would relate to the numbers, as I say, of column inches that can be used in a particular issue, and the number of different pages.

Mr. Wildman: That's not very specific.

Mr. Lewis: Baloney. You'll have 15 per cent instead of 25 per cent.

Hon. Mr. Grossman: I'd be happy to entertain any of those.

With regard to which ones we are entertaining, obviously the member will see what our final determination is on those things right now. It wouldn't take a genius—even the member for Renfrew North could figure it out—to determine what the various alternatives are.

Interjections.

Hon. Mr. Grossman: We could permit two in an issue or 10 or three or one in an issue. What I'll finally decide to recommend remains to be seen.

An hon. member: Beer in the ball park.

Mr. Wildman: What does the minister carry over there—a flask?

Mr. Makarchuk: Does this ministry or any agency of this ministry still examine each and every ad before it's submitted to the magazines and newspapers or television?

Hon. Mr. Grossman: As I understand it, it examines the ads that go into these publications.

Mr. Makarchuk: So the minister is aware of it.

Hon. Mr. Grossman: Yes, I am aware of it, though not the numbers. The advertisements themselves must be approved at the Liquor Licence Board.

Mr. Warner: Expand the Liquor Act.

Mr. Speaker: The hon. Minister of Health has the answer to a question asked previously.

USE OF MEDICAL DATA

Hon. Mr. Timbrell: On November 17, the hon. member for Wentworth asked under what conditions institutions and agencies of the Ministry of Health make available the personal or medical records of patients or of citizens of Ontario to the police authorities. He further requested that the authorizing directions or guidelines be placed before the House and he requested—

Mr. Lewis: Stop mumbling.

Ms. Gigantes: Mr. Speaker, what's the use? We can't hear a word.

Mr. Lewis: Mr. Speaker, on a point of privilege, the Minister of Health deliberately mumbles through with rapidity when there's something he doesn't want us to hear. Speak up, young man.

Mr. Breaugh: And stand up straight.

Mr. Hodgson: The member for Scarborough West should sit down. Shame.

Mr. Sargent: Why doesn't the minister see the Minister of Colleges and Universities (Mr. Parrott) and get a better set of dentures?

Mr. Speaker: It might help if the members were a little quieter. Then they'd be in a better position to hear the answer.

Hon. Mr. Timbrell: I'm tempted to suggest it's not the rate at which the answer is read, but rather the rate at which it's comprehended that's the problem.

Mr. Lewis: That's all right. But for the slow comprehenders, speak very slowly.

Hon. Mr. Timbrell: For the member's benefit, I will speak very slowly.

Mr. Lewis: Thank you.

Mr. Speaker: But promptly.

Hon. Mr. Timbrell: Yes, Mr. Speaker, with all due dispatch.

On November 17, the hon. member for Wentworth asked under what conditions institutions and agencies of the Ministry of Health make available the personal or medical records of patients or of citizens of Ontario to the police authorities. Are members all right so far?

Mr. Lewis: That's very well done. Very nicely done.

Mr. Sargent: I knew he could do it.

Mr. Makarchuk: We'll give the minister a passing grade.

Hon. Mr. Timbrell: He further requested that the authorizing directions or guidelines be placed before the House and he requested a determination of whether or not it is or has been standard practice in institutions to allow police to remove patients' records from the hospital.

The regulations regarding patient records are: For public hospitals, article 48, regulation 729, the Public Hospitals Act; and for psychiatric hospitals, section 3, regulation 578, the Mental Hospitals Act. In the public hospitals, the regulation is specific. It says the board shall not permit any person to remove, inspect or receive information from a medical record unless they have a court order, which must stipulate that it is to inspect, or to inspect and remove, a record.

Mr. Martel: The Mounties don't need that information.

Hon. Mr. Timbrell: In our psychiatric hospitals, the only ways in which a patient's records are made available to the police are through the consent of the patient, a search warrant or a subpoena.

There is no log kept of this type of request. However, a copy of the document authorizing release of information is kept on the patient's file.

Mr. Deans: A supplementary: In the case where the police removed the original file, how then could the record of the subpoena be kept in that file in the hospital?

Hon. Mr. Timbrell: I'm trying to remember. I asked that same question some time ago. I believe the answer I got from the staff in that area was that in such cases we give a copy of the file and keep the original.

Mr. Deans: A supplementary: Will the minister order an investigation into all of the files removed from the Hamilton Psychiatric Hospital during the year 1970-71, to determine whether or not there were, in fact, subpoenas presented that are now on file? Would he further investigate, with all of the staff who were then in the employ of the hospital how it could be that the original file of a patient could be removed from the premises and never returned? What became of the file?

Hon. Mr. Timbrell: If the member will give me the name which I take it he must have—and I heard from a reporter last Friday he had a concern—I'll do that.

Mr. Lewis: There won't be that many files removed, I hope.

Hon. Mr. Timbrell: I'll look into that.

Mr. Speaker: We'll have one final supplementary. The hon. member for Ottawa East.

Mr. Roy: In view of his answer pertaining to the Public Hospitals Act and the Mental Health Act, can the minister advise whether there was any communication with the police and various hospital in the province? Secondly, is he aware at all of any court authorizations or the disclosure of this information to the police?

Hon. Mr. Timbrell: Apparently there are court actions under way at all times, from people seeking to get the records out for one reason or another.

I didn't understand the first part of the member's question, I'm sorry. What was it in connection with?

Mr. Roy: If I may rephrase the question. From reading the minister's estimates, I'm confused where he said there was no contact between OHIP, or people in his ministry, and the RCMP. He said twice that there was no contact. In view of that answer, and the answer that the minister is giving here today, was there contact and if there was, is he aware of any court authorizations

allowing his officials, whether in hospitals or in OHIP, to release this information to the police?

Hon. Mr. Timbrell: If the member likes, I could read what was talked about in estimates into the regular Hansard and for my own purposes I'd almost like to because it does confirm what I said earlier in response to the point of privilege from the member for Bellwoods. But here we're talking about hospital records, and there we were talking about OHIP records.

Mr. Roy: I can read.

Hon. Mr. Timbrell: I didn't understand the member's supplementary because we were talking about hospital records.

Mr. McClellan: What you said is very clear.

Mr. Roy: I appreciate that.

SCHOOL CONSTRUCTION

Mr. Van Horne: I have a question for the Minister of Education. Can the minister tell us if the policy on school capital financing enunciated by him on December 18, 1975, is to be changed for the fiscal year 1978-79?

Hon. Mr. Wells: If my friend means the criteria that we enunciated at that time, the criteria will remain in effect for the next year. The amount of money that is allotted may change.

Mr. Van Horne: A supplementary: The minister may not have this information available, but I would like to know the total number of projects submitted and what percentage the ministry was able to accommodate in this present fiscal year. Does he have that information?

Hon. Mr. Wells: I can get that information for my friend and I'd be happy to, Mr. Speaker. I can tell him that of the total number that were submitted, nothing like the total number were able to be accommodated. The school boards of this province still do not seem to realize that enrolment is declining and capital is very short. Many, many projects are submitted and they're not able to be supported.

Mr. Wildman: The enrolments are going up.

[3:00]

LICENCE FEES

Mr. Germa: Mr. Speaker, a question of the Minister of Transportation and Communications: With reference to passenger vehicle registration fees in northern Ontario, for very obvious reasons many people in the north use

half-ton trucks and four-wheel-drive vehicles as a means of private passenger transportation. Yet they are precluded from—

Mr. Speaker: Question.

Mr. Germa: —registering their vehicle in the normal fee structure. Will the Ministry of Transportation and Communication not give consideration to allowing these types of vehicles to be registered for the ordinary fee, rather than the \$60 fee which presently is going to apply?

Hon. Mr. Rhodes: It was announced a week ago, Bud.

Hon. Mr. Snow: Mr. Speaker, I don't know where the hon. member has been for the last two weeks. I made a statement in this House about two weeks ago, and press releases and announcements have been made on this whole matter.

Mr. Conway: Next.

Hon. Mr. Snow: I don't know where the hon. member has been.

Mr. Reid: Mr. Speaker, I remember the statement well. I was going to ask about it that day. But in the statement the minister restricted it to vehicles of 5,000 pounds or under. Would the minister consider looking at it once again, as many half-tons used in northern Ontario are in the 6,000 to 8,000 pound range?

Hon. Mr. Snow: Mr. Speaker, I have looked at this very carefully and I am quite confident that there is no vehicle in the 6,000 to 8,000 pound range that is necessarily in that range if it's for personal transportation. If there is a vehicle in that range, it's obviously a commercial vehicle used for commercial purposes.

LOT LEVIES

Mr. Epp: Mr. Speaker, I have a question for the hon. Treasurer: Given the recent decisions of both the Ontario Municipal Board and divisional court to disallow lot levies in municipalities as they apply to zoning bylaw changes, proposed plans of subdivision, and lot severances, and given that there are serious problems that have developed in many of the municipalities to the extent that either they can cut off redevelopment in the municipalities or run the risk of losing many millions of dollars in lot levies, what is the Treasurer planning to do for these municipalities with respect to these court decisions?

Hon. Mr. McKeough: Mr. Speaker, is this a recent decision?

Mr. Epp: Within the last few months, Mr. Speaker.

Hon. Mr. McKeough: I am sorry, I am not familiar with it. Perhaps the Minister of Housing (Mr. Rhodes) is more familiar with it than I am.

Mr. Epp: With respect, Mr. Speaker—

Hon. Mr. McKeough: I will take the question as notice and get back to the member.

Mr. Epp: With respect, Mr. Speaker, this pertains to the Municipal Act and I understand that the Treasurer is responsible for the Municipal Act.

Mr. Speaker: He will take it as notice.

ASSISTANCE TO PENSIONERS

Ms. Bryden: Mr. Speaker, I have a question for the Minister of Community and Social Services: Is it true that disabled persons who are on CPP and also on partial family benefits, either as permanently unemployable or as disabled, do not benefit from any cost of living increase in CPP payments and have their family benefit allowance reduced every time there is a cost of living increase? Is this correct?

Hon. Mr. Norton: Yes, Mr. Speaker, it is. It is my understanding that under the Canada Assistance Plan once the levels of assistance to individuals have been agreed to, we are also required to incorporate into the calculation of the person's income any increases which may result from increased allowances from the federal or other sources provincially or from private sources. We have no alternative in that situation but to include that in the calculation which usually results in a comparable reduction if the person is already at the maximum level of assistance under the plan.

Ms. Bryden: Supplementary, Mr. Speaker: Does it not seem inequitable that people who are on GAINS as pensioners get increases in the cost of living from federal programs passed through to them, such as OAS and GIS increases, but people who are on disabled allowances get no increase in the federal cost of living increase? And has the minister made representations to the federal government that this inequity should be eliminated?

Hon. Mr. Norton: I think it is a little more complicated than that. There is also the very real possibility of other kinds of inequities that would creep in if the proposal that the hon. member makes was put into effect. I have had this under consideration and I am concerned about some of the other complications as well.

Take, for example, two individuals whose needs might be calculated at \$400 per month,

for the sake of argument. If the one individual had a source of assistance from say the Canada Pension Plan as well, or from some other source privately, that person would be receiving the \$400 basic plus whatever over and above that the increases might be, while a person who is in equally needy circumstances but is without the eligibility for Canada Pension Plan or other private sources, would suffer as a result of that kind of proposal the member is making.

So there are inequities that would result from her suggestion, just as much as the inequities that exist under the present system. I am not sure what the answer is.

POLICE ACCESS TO OHIP DATA

Mr. Bolan: Mr. Speaker, this question is for the Minister of Health, again on the question of his OHIP records, which is turning out to be very interesting.

I take it from the various answers that the minister has attempted to give this afternoon that some of this so-called tombstone information which was given out pursuant to section 44 of the Health Insurance Act was, in fact, given out without the requirement of a subpoena or a court order?

Hon. Mr. Timbrell: That is the problem and is why I have suspended answering such inquiries, because the practice has been to answer without subpoenas and court orders, whatever, such inquiries for basic biographical information.

Mr. Roy: Aha! Your policy is against the law.

Hon. Mr. Timbrell: I think that's clear. The reason I have suspended it is that there is some concern expressed by some of the lawyers advising me and the government that this may not, in fact, be legal. There are as many or more who say it is, but because there is any doubt at all—

Mr. Foulds: If you don't know, why do you do it?

Hon. Mr. Timbrell: —I have therefore suspended the answering of any such inquiries.

Mr. Bolan: Supplementary: That may be the case, but the fact still remains, does it not, that there was, in fact, tombstone information given out without the requirement of a subpoena or a court order?

Hon. Mr. Timbrell: I have never denied that. I should say that at the time all this investigation started, and in the dealings between my colleague and the RCMP and so forth, there was no indication that it was in any way illegal. Since then other opinions

have come to light among our respective staffs that indicate that it might just be. Because it just might be, therefore, it has been suspended.

Mr. Conway: No supplementaries allowed for that?

Mr. Speaker: No.

Mr. McClellan: We have not had any supplementaries on this side of the House.

SAULT JAIL

Mr. Wildman: I have a question of the Minister of Correctional Services. In view of the statements last week by Dennis Lock, superintendent of the Sault district jail, that the facility there in the city was close to 50 per cent over-capacity, and in view of the minister's statement during his visit to the Sault last weekend that although the jail wasn't as crowded as he expected he was looking at ways to reduce demands for space, such as a reopening of the summer forestry camps, when does the minister expect to reply to my letter of last month requesting him to deal with overcrowding at the Sault jail, and will his solution involve the renovation and reopening of McCreight's Camp?

Hon. Mr. Drea: I told the hon. member when I received the letter last month that I would reply to him after I visited the Sault jail. I am very pleased to reply to him today.

Mr. Bolan: What about the chain gangs?

Hon. Mr. Drea: It is quite true that on the average the Sault Ste. Marie district jail is about 50 per cent over capacity. When I visited there last week the count was lower than usual. As a matter of fact, there was only one person who couldn't be fitted into available accommodation.

The difficulty with reopening the specific work camp is that the facilities are somewhat outdated. I intend to open an equivalent operation in the area, whether it is on the road or whether it is back in the bush. I believe the type of work done in camp previously was much more beneficial than sitting around in a cell all day.

Mr. Bolan: Was that the chain gangs?

Hon. Mr. Drea: In all fairness, there are no chain gangs in North America. They're precluded by court.

Mr. Kerrio: We're getting there.

Hon. Mr. Drea: We have forestry gangs. I have a great many of them. I'm going to have road gangs.

Mr. Conway: Cool-Hand Frank.

Mr. Speaker: Order, please.

Mr. Sargent: Would the minister define the road gang or the bush gang? Will he define that for me, please?

Hon. Mr. Rhodes: You define that, Eddie. You have been on both of them.

Hon. Mr. Drea: A road gang, a forestry gang, a bush gang or a parks gang are a group that work outside of the institution under the direct supervision of a correctional officer.

Mr. Bolan: Chain gang.

Mr. Peterson: Tory gang.

Mr. Sargent: Cool-Hand Luke.

RESOURCE EQUALIZATION GRANTS

Mr. Bradley: A question for the Treasurer: Is the minister prepared to convene a meeting of the mayors of the cities adversely affected by the equalization factor used to calculate the resource equalization grant in municipalities such as St. Catharines, Burlington, Kingston and Sudbury, in order that they might present their cases for rectifying this inequity, thereby according these mayors the same opportunity as the mayors of Sarnia and Windsor?

Hon. Mr. McKeough: No.

Mr. Havrot: Brief and to the point.

Mr. S. Smith: Why not?

Mr. Bradley: It's unfortunate that this is not the case. May I ask the minister this then: Would the minister then undertake to provide to those municipalities affected, information from his ministry clearly indicating the short-fall of grants they've experienced over the last few years and the adverse financial position they may expect to be in until 1979, in order that they will be able to negotiate with the ministry to gain their fair share of provincial grants?

Hon. Mr. McKeough: Mr. Speaker, I have not supplied that information to anyone, to my recollection. The information was deduced by Windsor and Sarnia, and I assume that other municipalities have done the same thing. There's no information, to my knowledge, that is being requested of me; nor have I been requested to either arrange a meeting or convene a meeting by the municipalities, as the member mentioned. It isn't a question of courtesy; I have only heard from Windsor and Sarnia at this moment, to the best of my knowledge.

FACILITIES FOR RETARDED

Mr. McClellan: I have a question of the Minister of Community and Social Services: May I ask the minister whether he's prepared now to report the alternate proposal of the

Metro Association for the Mentally Retarded for a number of small residential facilities located throughout the whole Metropolitan area, as a specific, realistic and achievable alternative to the 150-bed mini-institution for the mentally retarded proposed for Rexdale, or to some variation thereof; in effect a mini-institution in an industrial setting?

Hon. Mr. Norton: The report of the task force I established during the summer has now been dealt with by the district working group and has been received by the ministry. In fact it's my understanding that sometime this afternoon there is a meeting of the resource planning committee of the responsible division of the ministry. I expect that I myself—and I assure you for the first time—will be receiving that report accompanied by the comments of the district working group and the comments of the planning group within my own ministry, either late today or tomorrow. I would hope that within a matter of a few days, after I've had an opportunity to review that material and give it some careful consideration, I will be in a position to announce what my intentions are.

Mr. McClellan: Supplementary: Is the minister saying at this point he doesn't have the slightest idea what the status of this mini-institution is?

Hon. Mr. Norton: I have not seen the recommendations of the task force yet. They have been received by the ministry, they have not been received by me. I will be receiving them, along with the recommendations and the responses from all of the participants in the planning process. The recommendations, once received by me, will receive immediate consideration.

Mr. McClellan: In other words, you don't know.

[3:15]

GLENDALE TRAINING CENTRE

Mr. G. I. Miller: I have a question of the Minister of Correctional Services: I was wondering if there is any truth in the rumour that the Glendale Training School in Simcoe might be closing?

Hon. Mr. Drea: Mr. Speaker, there are a number of institutions being looked at. I haven't come to a definitive conclusion on any of them, other than the Don which will close December 31, period.

Mr. G. I. Miller: As a supplementary, Mr. Speaker, is the staff going to be consulted on this matter or is there any warning going to be given to them?

Hon. Mr. Drea: Mr. Speaker, the member is almost taking it as a fait accompli. Is he talking about that particular institution or is he talking about all the institutions? If he is talking about any institutions I plan to close, just as in the case of the Don Jail the union is fully consulted in advance.

FACILITIES FOR DISTURBED CHILDREN

Mr. Foulds: I have a question of the Minister of Community and Social Services: I wonder if the minister could tell me what he is going to do to establish adequate facilities in Thunder Bay for disturbed adolescents, especially in view of the statement by Malcolm Shookner, a program analyst—

Mr. S. Smith: Disturbed adults get elected there.

Mr. Foulds: —with the children's services bureau in Thunder Bay? He made the statement in Thunder Bay at the end of September, "Things we take for granted in the south don't exist here." Especially, what steps is the minister going to take to establish a safe and adequate holding place for adolescents who opt out? There is no facility in Thunder Bay except the Donald Street lockup; or an ex-lockup in the basement of Cameron Street, which is used for the Lakehead Psychiatric Hospital adult wards.

Mr. Laughren: What a dismal record the ministry has.

Mr. Lewis: Dreadful.

Hon. Mr. Norton: Mr. Speaker, I am not sure I caught all of the quotation that was read into the record from the gentleman in Thunder Bay—

Mrs. Campbell: Don't ask him to repeat it.

Hon. Mr. Norton: —but I would indicate, as I have before in the House, that there are two areas of particular priority in the establishment of improved services for children. One of those serves the children in the north, with particular focus as well on francophone and native children. I hope to be in a position to make some concrete announcements about that as soon as we are moving into our next year. I expect we will be able to move ahead with those within the next fiscal year.

Mr. Foulds: A supplementary, Mr. Speaker, for clarification: Is the minister then telling me that the current situation that exists in Thunder Bay at the present time for disturbed adolescents, referring them to the Donald Street lockup and so on, will continue at least for the next 18 months?

Hon. Mr. Norton: No, Mr. Speaker, I'm not saying that. I will look into the situation that

the member refers to and try to respond to him more fully as soon as I have had a chance to do that.

EDWARDSBURGH LAND ASSEMBLY

Mr. Conway: Mr. Speaker, my question is to the Resources Development secretary. I wonder if the minister could tell us whether or not he is in possession of any consultant's report vis-à-vis the disposition of the Edwardsburgh land assembly? If he has those consultant's studies, is he prepared at this time to table them in this House? If not, why not? If he is about to do so, can he tell us when he might be at liberty to release that information?

Hon. Mr. Brunelle: My understanding, Mr. Speaker, is that report has been made available to the local municipal authorities. I could be corrected on that. I think it is a report which will certainly be made public in due course.

Mr. Conway: In due course, Mr. Speaker, would mean roughly at what point in time?

Mr. Breithaupt: In the fullness of time.

Hon. Mr. Brunelle: I would think within the next few weeks.

RETAIL STORE HOURS

Mr. Samis: I have a question of the Solicitor General, Mr. Speaker: In view of pressure by certain Yonge Street merchants to evade the retail store hour legislation on Boxing Day this year, can the minister assure the House that the laws passed by this House will be properly respected and enforced in the city of Toronto?

Hon. Mr. MacBeth: Mr. Speaker, I have a news release going out probably tomorrow or the day after tomorrow explaining to the merchants the law as it stands for Boxing Day. I expect the police of the province will enforce it as we expect them to enforce all the laws.

Mr. Breithaupt: Supplementary: Will that news release also clarify the matters with respect to January 2 which might be taken as the New Year's Day holiday so that this whole matter about which a number of us have received letters of inquiry can be clarified?

Hon. Mr. MacBeth: Yes.

MANAGEMENT STUDY

Mrs. Campbell: My question is of the Minister of Community and Social Services. Is the minister at this time prepared to table

in the House the management study of his ministry? If not, why not?

Hon. Mr. Norton: Mr. Speaker, because I have not yet received it from the consultants.

Mr. Lewis: Any other minister would have had it by now.

An hon. member: That's right. You should resign.

Mr. Foulds: You and Timbrell.

INCO EMISSIONS

Mr. Laughren: A question of the Minister of the Environment: Would the minister bring us up to date on the state of negotiations between his ministry and Inco concerning the emissions from the super stack at Copper Cliff?

Hon. Mr. Kerr: Mr. Speaker, as the hon. member knows, there is still some consideration regarding the final year of the criteria for emissions from that stack. We still haven't decided on a new level. We have decided that a new level is necessary. As the hon. member probably knows, the requirement I believe is 750 as of January 1, 1979, so we still have some time. But I expect that that will be settled early in the new year. And as the hon. member would realize, in the light of current events, it probably won't be as hard to reach those criteria.

Mr. Laughren: Supplementary, Mr. Speaker. Would the minister assure us that the economic and unemployment problems now facing the Sudbury district will not be used as a club by the company so they do not have to enforce reasonable standards of emission?

Hon. Mr. Kerr: Yes, Mr. Speaker, I will be assured of that.

Hon. W. Newman: Boy, do you change your attitudes over there.

Mr. Speaker: The time for oral questions has expired.

The hon. member for Renfrew North has a point of privilege.

POLICE ACCESS TO OHIP DATA

Mr. Conway: Thank you, Mr. Speaker. I feel deeply concerned about a matter that relates to some of the exchange earlier in the question period. I would ask your guidance in this matter because I do feel that it relates directly to the privileges of certain members of this House, particularly those members who were involved in the Ministry of Health estimates about two weeks ago yesterday.

Mr. Speaker, at that time, and in direct reference to questions put by me to the Minister of Health, with many of his OHIP officials present, the minister responded to inquiries about possible contact between OHIP and the RCMP in the following way, and I want to read very briefly part of that record and then what appears to be a very sharp contradiction reported in this morning's *Globe and Mail*—and, quite frankly, this afternoon as well.

I shall read from the Hansard report of Ministry of Health estimates for November 15, 1977 regarding OHIP and contact with the RCMP.

"Hon. Mr. Timbrell: However, the information I have had to date is that there is no record of any contact, certainly no authorization or sort of thing between OHIP and the RCMP. I think that is correct."

Mr. McClellan: That's what I read.

Mr. Conway: That's right, that was read earlier this afternoon. Then subsequently he says:

"Hon. Mr. Timbrell: No, seeking information. Of course, the Act requires the general manager, who is here,"—meaning here today in these estimates discussions—"to keep that confidential anyway, but I am advised that he has never been contacted to seek the kind of information referred to in the recent media reports."

In this morning's *Globe and Mail*, there was the following report attributed to Mr. Lawrence Martin, and it reads—and I will read only the first paragraph: "The general manager of the Ontario Health Insurance Plan said yesterday that the providing of enrolment data from OHIP and other medical plans to the police is a policy that originated at the political level and presumably has been known to Health ministers and Attorneys General since 1959".

Mr. Speaker, I see in those two reports a clear and sharp contradiction, I want it cleared up at the earliest possible opportunity because of the information that was presented to us, particularly in the estimates debate about two weeks and one day ago.

Mr. Speaker: There seems to be some misunderstanding among a good many members not only to what constitutes a point of privilege, but once a *prima facie* case has been established whose responsibility it is to clear it up. It's certainly not the responsibility of the Speaker. It is the responsibility of the member who feels that his privileges are aggrieved to take the necessary action, it's not the responsibility of the presiding officer; and I just wish that you'd reflect upon that.

It's not incumbent upon the presiding officer to defend you, except to the extent that I say you have a *prima facie* case of privilege, and that's the end of it as far as the presiding officer is concerned. The ball is in the court of the member who feels aggrieved.

Mr. Havrot: He is just grandstanding.

REDRESS ON POINT OF PRIVILEGE

Mr. Nixon: On a point of order, might I perhaps ask your advice along these lines: The hon. member felt that his privileges were aggrieved, and frankly I agree with him. What can he do but bring it to the attention of the House, through you, sir? It may be that you cannot order the minister into the tower but at least you are the vehicle through which the aggrieved member can put his case to the House, and surely nothing other than that is expected?

Mr. Speaker: That's right; as I say, I got the impression from the hon. member for Renfrew North that he expected some action from me, and there's no action I can take.

Mr. Conway: Subsequent to that, Mr. Speaker, I think I prefaced my remarks simply by saying I draw to your attention. I share entirely the comments of the hon. member for Brant-Oxford-Norfolk about the degree to which we are hampered in carrying forward that kind of grievance. I simply, on that point, drew it to the attention of yourself and other members of this House.

Mr. Speaker: You've already done so; but I just wanted to clear up any misunderstanding in the minds of members that it was incumbent upon the presiding officer to do something. I'm sure that the Minister of Health will take notice of what you have said and perhaps he can reply to it at a later time.

INTERPRETATION OF SESSIONAL ORDER

Mr. Warner: Mr. Speaker, on a point of order: I would ask for your judgement on the new sessional order 4, found on page 19 of the standing orders, where if a member is dissatisfied with an answer given to his question he should raise it at the end of question period: do you deem the end of question period is the expiration of oral questions and before the presentation of petitions or motions; is that a proper interpretation of the term "question period"?

Mr. Speaker: All that's required is that you indicate you are dissatisfied with an answer given by a minister. You've already done that and it can be handled under standing order 28(a), this evening at 10:30.

REDRESS ON POINT OF PRIVILEGE

Mr. Lewis: Mr. Speaker, I am rising on a point of view, which I'd like to put to you sir.

Mr. Nixon: You are getting relaxed these days.

Mr. Lewis: I'm very relaxed; yes, I'm almost soporific.

Mr. Speaker: If you want to correct the record; if you have a point of privilege or a point of order.

Mr. Lewis: I seek your wisdom, guidance and general infallibility, sir; I thought that would engender your support. I do want to ask if a member of the Legislature rises on a point of privilege to make a point akin to that of my colleague from Bellwoods (Mr. McClellan) or the member for Renfrew North (Mr. Conway), is it beyond the Speaker's prerogative to suggest to the Minister of Health that a statement of clarification or response to the point privilege might help in the Legislature? Is that going beyond your role as Speaker?

Mr. Speaker: It's not the prerogative of the Speaker to ask any minister to answer any question; a minister can simply decline. It's up to the minister whose actions or whose words have been called into question to defend those words or actions, and there's nothing that the Speaker can demand or require him to do. I just want to call that to the attention of members; that's why I rose after the point of privilege raised by the member for Renfrew North. It's not incumbent upon the Speaker to do anything.

[3:30]

Mr. Nixon: Since the matter has been raised, Mr. Speaker, and we've been discussing it here, I must say on the point of order that I support your position entirely; but it isn't the first time, nor are you the first Speaker to arise to tell the members that there is nothing you can do. Surely the fact that it has been raised in the House and brought to the attention of the Speaker and every member here means that the minister would feel the pressure of the democratic system to make some kind of a comment in reply; surely that's all we would expect.

Mr. Foulds: Don't count on it.

Mr. Lewis: Don't hold your breath.

PETITION

Mr. Germa: Mr. Speaker, I have a petition which I should like to direct to the attention of the Treasurer (Mr. McKeough). It is

signed by 259 employees of the government of Ontario in the Sudbury district.

Mr. Nixon: It has to do with licences of trucks.

Mr. Germa: They petition, amongst other things, and I quote, "to bring an end to the senseless butchery of services and jobs," and call for the adoption of a full employment strategy.

Mr. Eaton: I got that form letter too.

Mr. Lewis: Butchery; that means layoffs.

REPORTS

STANDING COMMITTEE ON
SOCIAL DEVELOPMENT

Mr. Villeneuve from the standing social development committee reported the following resolution:

Resolved: That supply in the following amounts and to defray the expenses of the Ministry of Health be granted to Her Majesty for the fiscal year ending March 31, 1978:

Ministry of Health

Ministry administration and health insurance program	\$1,072,532,800
Institutional health services program	2,579,582,900
Community health services program	118,948,500

STANDING COMMITTEE ON
RESOURCES DEVELOPMENT

Mr. Havrot from the standing resources development committee reported the following resolutions.

Resolved: That supply in the following amounts and to defray the expenses of the Ministry of Agriculture and Food be granted to Her Majesty for the fiscal year ending March 31, 1978.

Ministry of Agriculture and Food

Ministry administration program	\$ 4,599,000
Agricultural production program	104,317,000
Rural development program ..	21,995,000
Agricultural marketing program	10,670,000
Agricultural education and research program	23,809,000

MOTION

Hon. Mr. Welch moved that supplementary estimates for the Ombudsman be referred to the standing general government committee for consideration within the time al-

ready allotted to the committee for the consideration of the estimates of the Office of the Ombudsman.

Motion agreed to.

INTRODUCTION OF BILLS

HIGHWAY TRAFFIC AMENDMENT ACT

Hon. Mr. MacBeth: moved first reading of Bill 112, An Act to amend the Highway Traffic Act.

Motion agreed to.

Hon. Mr. MacBeth: Mr. Speaker, the purpose of the bill is to make it an offence to drive on a highway a motor vehicle that is equipped with or that carries or contains a radar warning device.

POLICE AMENDMENT ACT

Hon. Mr. MacBeth, moved first reading of Bill 113, An Act to amend the Police Act.

Motion agreed to.

POLICE AMENDMENT ACT

Hon. Mr. MacBeth moved first reading of Bill 114, An Act to amend the Police Act.

Motion agreed to.

CONDOMINIUM AMENDMENT ACT

Hon. Mr. Grossman moved first reading of Bill 115, An Act to amend the Condominium Act.

Motion agreed to.

Mr. Conway: If you reversed the order, you'd have the right minister in the right job.

ELECTION AMENDMENT ACT

Mr. Breithaupt moved first reading of Bill 116, An Act to amend the Election Act.

Motion agreed to.

Mr. Breithaupt: Mr. Speaker, the amendments which I propose in this bill are in four particular areas.

First the words, "or other British subjects" are removed for qualification as a voter or candidate in a provincial election, so that all voters and candidates must now be Canadian citizens. This follows the amendments proposed by the Liberal critic for municipal affairs, my colleague the member for Waterloo North (Mr. Epp) for the Municipal Elections Act which is now before the House.

Second, standards for access to polling places for physically handicapped persons are to be set; as well, certain provisions applying now to blind persons are changed.

Third, the political affiliation of candidates is to appear on the ballot.

Fourth, vouching for persons omitted in error from the voters' list is extended in urban polls in the same way as it is now available in rural polls.

This bill will be brought forward for debate in private members' business segment on December 15 next.

NURSING HOMES

Mr. Speaker: Pursuant to standing order 28(a), the member for Scarborough-Ellsmere (Mr. Warner) having given notice of his dissatisfaction with the answer to his question given by the Minister of Health earlier today concerning nursing home conditions, this matter will be debated at 10:30 this evening.

ANSWERS TO WRITTEN QUESTIONS

Hon. Mr. Welch: Mr. Speaker, before the orders of the day, I wish to table the interim answer to question 42 standing on the notice paper. As well, I wish to table the answers to questions 38, 43 and 44 standing on the notice paper. (See Appendix, page 2420.)

ORDERS OF THE DAY

SANDWICH, WINDSOR AND AMHERSTBURG RAILWAY ACT

Mr. Ashe, on behalf of Hon. Mr. McKeough moved second reading of Bill 97, An Act respecting the Sandwich, Windsor and Amherstburg Railway.

Mr. Bounsall: Mr. Speaker, I just have a very brief comment on this, to the effect that this is a very reasonable name change. Anyone coming across the name Windsor, Sandwich and Amherstburg railway would expect to ride on a train; however, for quite some years now, it's been the name of the Windsor-only bus system. So although there is some dismay on the part of some of the historically-minded people in the area over the disappearance, finally, of this grand name, which indicated first a railroad and then a partial street railroad system, this is certainly a more apt description of what the entity is involved in these days. In addition anyone new coming into the area doesn't expect to look for the busline system under the name of the Sandwich, Windsor and

Amherstburg Railway, so this name change is welcomed.

I might say that coincident with the use of this name, which started about four weeks ago, was a revision of the bus system and the provision of increased services in Windsor, particularly in the outlying suburban areas. This is of great interest for those who support public transportation, as I do; it is a good step forward in the provision of this service. It's hoped that the new name and the new bus lines will bring to Windsor increased use of the bus system and increased awareness of the need and worth of public transit and a resultant saving in energy will no doubt occur.

Mr. Deputy Speaker: Are there any other members wishing to participate in this debate? If not, the member for Durham West.

Mr. Ashe: Thank you, Mr. Speaker. I think the hon. member who represents that area has really said it. It is just a name change that has been agreed to by all.

Motion agreed to.

Third reading also agreed to on motion.

ASSESSMENT AMENDMENT ACT

Hon. Mrs. Scrivener moved second reading of Bill 91, An Act to amend the Assessment Act.

Mr. Deputy Speaker: Does the hon. minister have any opening comments?

Hon. Mrs. Scrivener: Yes, Mr. Speaker. As I noted when I introduced it at first reading, this bill provides for the continuation of the freeze on assessed values at their present level in Ontario for one more year. This move is necessitated by the complexity of the recommendations made by the Blair commission on the proposals to reform municipal taxation. The commission's report sets out in detail a whole series of guidelines which, when implemented, establish an expanded tax base for municipalities, revised methods of apportioning shared costs, a new foundation for provincial grants and a system of reducing the regressiveness of the property tax itself. The report constitutes a rational tax reform package in which each recommendation complements the other.

It is necessary however to study all the recommendations in complete detail in order to measure the impact upon each municipality, groups of municipalities and upon particular classes of property owners. I insist that the review be objective and complete before any or all of the recommendations are put in place. I believe this is the common sense approach, since our objective must be to achieve fair and equitable munic-

ipal taxation without imposing a hardship on particular groups of property owners or on businesses.

The bill before us also makes it clear that new buildings which are completed and ready for occupancy will be assessed on the 1977 assessment rolls and subject to a full year's taxes in 1978. New construction can be taxed for a portion of the current tax year only if occupied. The courts are extending the exemption from taxes to the next tax year if these new buildings remain vacant. The amendment proposed to section 86 will close this loophole and appease the large number of municipalities which have objected to a potential loss of tax revenue.

I am also proposing that section 97 of the Assessment Act remain operative during 1978. This section allows the Minister of Revenue to order the return of market value assessment in any municipality experiencing problems with the equity of its assessment base.

I am confident that these amendments are the proper course of action at this time. When I became the Minister of Revenue, I stated emphatically that I would proceed with the market value assessment program only when I could be assured by a complete review of all the implications that individual groups of property owners would not be hurt. Postponing the program for one year will provide me sufficient time to fulfil that promise. I urge all members to support this bill.

[5:45]

Mr. Haggerty: I wanted to add a few comments on Bill 91, An Act to amend the Assessment Act.

We will support the minister's amendment, as it is here today, although perhaps with some reservations. We feel that it has been seven or eight years since the municipalities have been promised market value assessment. I guess it is the past record of the government that after almost every election we have seen this particular legislation put into mothballs. Hopefully, the minister is not going to put it in mothballs again and we will have the dialogue that she suggested in her opening comments today. More information is required relating to the market value of assessment, more information is required as it relates to the tax reform proposals that the Treasurer (Mr. McKeough) has so often suggested to municipalities over the years. We are also concerned, on this side, about the Edmonton commitment.

Under those three items I have suggested to the minister we are deeply concerned

about the implementation of market value assessment in Ontario. We have noticed in the past that there hasn't been too much dialogue, particularly with municipalities, to which this matter is so vital because municipal taxes of course relate to market value assessment or any property assessment. We have information from some municipalities that there will be a shift in assessment, particularly from industrial assessment to residential assessment. Industrial assessment will be lowered while residential property will be much higher. No doubt this will have a greater impact on persons who can least afford to pay the high taxes that are already there, based upon municipal tax policies today.

For example, here is a brief submitted to the property tax reform commission as it relates to additional hospital assessments under the proposed market value assessment. Just to sum it up, it says: "The Ministry of Revenue has now provided information on current assessment values and municipal commercial tax rates for seven sample hospitals of similar size and type across Ontario. They inform us that the resultant tax calculation is approximately the same as any new tax formula budget paper E would produce."

It goes on to list the figures that are given, and says there would be substantial increases in hospitals in St. Thomas, Elgin, McKellar/Thunder Bay, Sudbury General, Peterborough Civic, St. Mary's/Kitchener, Chatham Public General and Queensway/Toronto.

Summing it up it says, "Assuming from this rough average of 2.5 per cent of budget values for all public hospitals in Ontario, this would mean total taxes of approximately \$54.1 million, compared to the \$2.4 million paid at present—on the basis of the \$50 per rated bed."

That means there will be quite a tax increase to hospitals in the province. We have already got an impact from the Ministry of Health in the cut-back of grants to local hospitals. With the impact from this, you might as well close up all hospitals in the province if we were to accept market value assessment under these terms.

I know of other instances where the proposal is that we will be paying taxes on school property. No doubt this will have a serious impact on the separate schools which include up to grade 13; this will be an additional cost to the taxpayers in that school sector. The proposals tell us we'll be paying taxes on public libraries. We'll be paying taxes on fire halls. We'll be paying taxes on municipal recreation centres and facilities of that nature, and all parks. Hopefully the

Treasurer is not suggesting revenue can be collected from a municipality at that level? I'll tell you if this is the course the government is going to take, I'm sure it's going to defeat the government when they bring in market value assessment.

As I said before, we agree there have to be some changes made in the assessment practices in the province of Ontario. There are inequities in certain municipalities. The fault lies with the Treasurer of the province of Ontario, who for a number of years had some control over municipalities related to assessment but did little to improve the quality of assessors and the quality of assessment practices throughout Ontario.

It's not good enough to say we're going to criticize this particular group of employees. They are good, they are conscientious personnel who want to do a good job and we ought to be thankful this particular group has provided measures to improve the quality of assessment practices themselves, with little help from the government of Ontario.

Perhaps this is an area in which the government has fallen or lagged behind in bringing equity and equality in assessment to the province of Ontario. This responsibility rests directly with the ministry, particularly the Treasurer.

He has not moved in a direction to see that all municipalities follow the same assessment manual. That's all that's required if we want market value assessment; each assessor, each municipality or region, must use the same assessment manual, which will apply some uniformity across the province of Ontario. If I were to stand here today, Mr. Speaker, and say I was all for market value assessment in 1978, I'm afraid there wouldn't be many taxpayers in my area who would be too happy with my performance here in the Legislature. As example of the only information I've been able to obtain from the Treasurer and his assessment report relates to present assessed values and market value assessment for the town of Fort Erie. It says residential, based on residential public, is about \$20 million now in the town of Fort Erie. Under market value assessment this would mean \$147 million in separate schools. The present assessment is about \$5.5 million, and under the new assessment practice it would be \$42 million. You can see a substantial increase there.

What bothers me most is when we come to the area of recreational dwellings. Under the present assessment at which all property is being assessed, it amounts to about \$5.5 million. It will increase, under market value, if I can follow the line, to \$36.5 million; a

substantial increase. Recreational land is presently being assessed at about \$589,000. Under market value assessment, it will move up to \$7.3 million. The provincial government will have some increase there. It will increase about twice, I guess, or 200 per cent. When we come back and look at the conservation authority, and then education; under the present public school system the assessment is \$2.1 million. Under market value this will go up to \$4.5 million.

It just goes to show you the shift in taxation that will occur if we accept the implementation of market value under these terms before we bring in tax reform policies. While I strongly object to the method of market value assessment, it is rather difficult under today's terms to actually come to a firm conclusion on the effect of market value assessment. It is hard to define it under the present terms. I know the old assessment practice was based upon a willing buyer. You can look at about three areas you want to discuss when a piece of property is put on the market for sale. You can look at the market data, or sales approach; and this is what they are using now. Of course if you have a shortage of housing in the province of Ontario, as exists today, and there is a big demand for it, then certainly that is going to put up the price of housing.

You have the income approach, which relates to the rental factor. Again, if you have a shortage of housing in the province of Ontario, particularly in relation to rental units, that is going to increase the price of market value.

Finally, there is the cost approach. I don't have to tell you about the cost approach today because that is also high. One of the reasons is there is a demand for housing.

There is no consideration, I think, from the information I have, of the inflationary costs of market value assessment. That is an area I hope your group of persons knowledgeable in assessment will take into consideration when they do bring in market value of assessment.

Again, I can relate it to the cost of serviced lots. I can relate to an instance in the town of Fort Erie where a housing development was going to take place. The prices of the lots after it was subdivided were going to be about \$10,000 for a 50-foot lot. The developer would get about four and a half lots per acre, which would no doubt bring him a good source of income; but they were going to go into partnership with the Ontario Housing Corporation, and the minute they made their agreement with the Ontario Housing Corporation the land values increased; and

the cost increased, to the person buying that land, by \$3,300. I can tell you this, the assessors were in that area already reassessing all the property in that community because of the involvement of the government. They thought they could make another \$3,300 on property too.

So, again, I look at the matter of market value assessment. I think we need to have a close look at it. We need to have the involvement of concerned citizens. They are going to be affected more by this type of legislation than anybody. Above all, municipalities should be well informed. Perhaps all the information they are going to get is just what I've read into the records here; block information, I guess the minister would call it, from one municipality to another.

But in reviewing the three assessments for the different municipalities, the town of Fort Erie, the township of Wainfleet and the city of Port Colborne, I find the average assessment will increase from the present assessment about eight and a half to 10 times what it was under the old rate of assessment. I suppose, when I look at it again, you say under the present suggestions the property tax market value assessment will be based at 50 per cent of the market value. That already gives about a 15 per cent increase over the previous assessment. Under the old assessment practices it was assessed at about one-third of the actual value of the selling price of the property back in 1969 or 1970.

[4:00]

It was always a good practice to use that principle; about 33⅓ per cent. It always gave guidelines, for a person who wanted to buy property, to relate to the assessment and multiply three or four times. That way you could pretty well come to what the value of the property was. But under these terms, when you say "a willing buyer," there are about three areas you can relate it to. You can have a buyer; or you can have a person who wants to sell a piece of property, at his price. You can also have a property owner who says he'll sell because he wants to move out because he has lost his job, he'll sell it wherever he can get the best deal. Then you get another person who has to sell; he has no other choice, either he sells or he loses his investment. All these things should be taken into consideration.

I know from my own personal property what the replacement cost would be and it's way out of proportion. That forces one to carry fire insurance for that risk, because I don't know what the market value of lumber will be from one year to another.

Again, we relate our price of lumber to what it's worth on the American market. Everything we seem to do here in Ontario is related to what a product will sell for in the United States. For some unknown reason, when it comes to buying a piece of property in Buffalo, you can buy property over there for less than you can in the province of Ontario. Whether that has any bearing on market assessment here or not, it does for replacement cost. Our products bought for homes is based upon what Americans will pay. Why the cost should be much higher in Ontario I don't know. That is something the assessing department should perhaps be looking into.

Mr. Laughren: The Tories all speculate on land.

Mr. Haggerty: I think I covered where the provincial government was in the matter of land speculation. Again, I don't want to get into that. We discussed that during the minister's estimates.

But I can't stand up in the House, and I don't think my party would either, to support the implementation of market value assessment under these present terms unless we have a clear understanding what tax reform proposals are coming from the Minister of Treasury, Economics and Intergovernmental Affairs for the province of Ontario.

I think we have to take into consideration what the Edmonton commitment is going to be. You can rest assured if we were to accept market value assessment today, I don't think there would be a property owner in Ontario who could afford to pay the taxes; it would be more than a regressive form of taxation.

I have an amendment from the NDP—I don't know if the member is going to put that forward today or not.

Mr. Swart: If we get into committee.

Mr. Haggerty: If it gets into committee. If the hon. member for Welland-Thorold moves that amendment we will not be supporting that amendment.

Mr. Warner: Too progressive.

Mr. Haggerty: I don't have to tell the minister why but—

Mr. Deputy Speaker: May I remind the hon. member that the amendment is not before the House.

Mr. Laughren: Talk about your own alternative, Ray.

Mr. Haggerty: Well, I don't know if it is coming forward or not, I don't know that; but I was interested in the comments of the member for Brantford (Mr. Makarchuk), I believe it is, the revenue critic for the NDP, I was interested in what he had to say about mar-

ket value assessment. The member for London South (Mr. Walker) asked him: "Do you support market value assessment now"? The member for Brantford said, "Yes I do, as a matter of fact, but not as organized right now". I don't know what he meant by that comment, but he goes on to tell about the discrepancies that will take place in a municipality if market value assessment is implemented in 1978. He goes on to say there will be a shift and people with less income will be paying higher taxes because industry and corporations will begin getting a break. So if they bring forth that amendment, I can't see why they would ever bring an amendment in like that when from their comments it is pretty well on record that they feel it is not the time, actually, to bring in market value assessment based upon all the problems there are under the existing proposals.

Even the member for Welland-Thorold suggested that last year in one of the debates. He is all in favour of market value assessment but not under the present terms. I leave the thought with the minister that they have some strong reservations about it. They give it to you in detail, and it can be found on page G-370 of the minister's estimates debates on November 9.

Mr. Warner: You read it but don't understand it.

Mr. Haggerty: We perfectly well understand it. We know what's going on. You're playing games with it, that's what you're doing; and political games at that.

Mr. Makarchuk: I am gratified to hear that you read my preface.

Mr. Haggerty: I'm afraid that if the member for Welland-Thorold had to go back into the Peninsula and tell the people, "I'm all for market value assessment and we want to implement it next year," and then went on to say, "but we don't agree with all these things here," he would think twice about that amendment that he's putting forward.

Mr. Laughren: Imagine being political in here.

Mr. Haggerty: I suppose I can when I get cross questioning from the members to my left.

If I can go back to the brief they submitted to the Blair commission and its sixth proposal dealing with taxation on public property: "Public property is to be subject to fair taxation. A good principle. We agree with the Treasurer when he asserts that 'inclusion of all local property on the property tax base, means that local governments will be taxing their own facilities, such as schools and parks; but since the property tax is

levied for upper tier and school board purposes as well as local municipal purposes, this broadened tax base will permit a fairer distribution of cost of revenues among local government units.'"

Well it's pretty hard to go back and tell a municipality like Wainfleet, or some other rural municipality that had to close up its schools, for example, because some of them have moved into larger school areas, such as the cities or larger urban areas, and say, "We're going to be taxing you for educating your children in that school." That's what he's suggesting.

Mr. Laughren: Did Alf Stong write that speech?

Mr. Haggerty: I don't think it is the proper area for taxation on municipal property at all, as it relates to municipal property. There are other areas that should be opened up for tax reform, and I think the municipalities should have a broader tax reform. Perhaps they should be looking for more levels of support through transitional grants from the provincial government, and in fact from the federal government when we relate to our comments to the Edmonton commitment.

Mr. Laughren: When are we getting the Liberal alternative?

Mr. Makarchuk: What's your answer for it, Ray? What's your solution?

Mr. Haggerty: You read my remarks in the minister's estimates, it's all there.

Mr. Makarchuk: All you talked about is some girl who couldn't tell the difference between a nail or a screw or something.

Mr. Haggerty: No, it was a common nail and a finishing nail.

Mr. Makarchuk: I stand to be corrected.

Mr. Haggerty: I said the assessors have come very well forward today with good forms and a good quality of assessor for assessing property. I suggest to the minister that we do support the amendment and will look forward to market value assessment with full consultation and after a full dialogue with local municipalities and concerned citizens. I think that's the most important thing. They're not aware of what's taking place and it would be an injustice to bring in market value assessment in 1978 under the existing proposals and with little knowledge of the actual tax reform policies the government wants to pass on to communities. That's all the comments that I have, Mr. Speaker.

Mr. Swart: Until the member for Erie spoke, I had thought this bill was a rather simple and straightforward, and that my amendment fitted into that category; but I

guess he has misunderstood the intent of what we are intending to do with this bill.

Mr. Laughren: You ask him what time it is, he tells you how to make a watch.

Mr. Swart: Mr. Speaker, of course the purpose of this bill, as the minister has correctly interpreted, is to freeze the present assessment system for another year; with one exception, and that of course is the change to provide that buildings which are built and not occupied will be eligible for assessment if they are over the \$2,500 limit. I understand that the \$2,500 applies to market value, not to the relatively low assessment under the present Assessment Act. I had hoped, perhaps, that the minister would assure us of that when she rose to speak on the bill.

There is no doubt, I'm sure, that the presentation of this bill is a very real embarrassment for the minister. It's just another step in the commitment-postponement cycle. The Assessment Act clearly shows this. If we turn to section 86, we will see there the year-by-year postponement. The first is under section 86(a), where in 1974 the assessment was to be for real property as set forth in the assessment roll return for the year 1970. That wasn't section 86(a) at that time, that was just all of section 86. Then they decided to postpone it again, and section 86(b) was put into the Act. Then they decided again to postpone it, so section 86(c) was put in the Act. Now we have section 86(d) proposed here in Bill 91. I suggest there's a real possibility we may run out of the alphabet before we ever get to implementing a new form and a fairer form of assessment.

I say that that section of the Act, section 86, is a visual, chronological testimonial to the ineptness, the indecision and the waffling of this government.

Mr. Makarchuk: A bunch of wafflers.

Mr. Swart: Plus, I have to say that it's not the minister's fault. I realize that it is the Treasurer who makes these decisions, not this minister. In fact, I guess he makes the decisions pretty well for all the ministers on that side of the House.

Interjections.

Mr. Swart: There is little doubt that these postponements have been at least partly, perhaps mainly, for political reasons. The first postponement was actually decided upon back in 1974. The minister at that time, who was the father of the present Consumer and Commercial Relations minister, said on October 18, 1973, in the House: "We anticipated completion of the valuation work by early 1973 for tax study purposes. The assessors

would then update their assessment for introduction in the fall of 1974. It was estimated that up to 18 months would be required to study, develop and seek the approval of this House on meaningful property tax reform—before local authorities set 1975 mill rates based upon the new 1974 assessments.”

I'm sure everyone in this House knows, not least of all the government, that when you bring in a new assessment program there are many changes. Many people pay more; some may pay less in their property taxes. But the government certainly decided at that time, with an election due in 1975, that it shouldn't proceed with those changes. So they were postponed, actually until 1976. That was supposed to be a year after the government got its majority. Well of course it didn't get re-elected with a majority, so in 1976 it brought in another postponement. In 1977 it is also bringing in another postponement. We certainly won't have any change in the assessment system before 1978.

Mr. Makarchuk: Not before the next election, anyway.

[4:15]

Mr. Swart: Yes, there won't be one then, you're absolutely right. There will not be any change, I'm going to be mentioning that in just a moment or two.

First of all, though, I want to point out this delay makes a mockery of the restraint program. Back in 1969, the present Treasurer, and I'm right on this one, made the comment, when the province was taking over the assessment system, that the number of assessors would be increased by 50 per cent to bring assessment to what we consider the proper level, and would be maintained. Municipalities, at that time, were spending \$15 million on assessment and by some rather simple computations we can determine that the actual cost of reassessment up to this date has been somewhere up to \$50 million and \$100 million; in fact it may be \$100 million. I would ask the minister, in her comments, to tell us what the reassessment program has cost in the eight years since that time?

The Blair commission also made reference to the cost and the waste if there was further postponement when they said, and I'm quoting from the Blair report: "Market value data as of 1975 on every property in the province will be available for use in 1977 assessment rolls and therefore for tax application in 1978. A further postponement would obviously render the 1975 data of little value and much of the effort expended would have been in

vain, a waste of the taxpayers' money, by this postponement."

The second point I want to make is the postponements, year after year, have damaged morale among the assessment commissioners and the assessors. I suggest in this House that if anybody has a doubt about this they should talk to the assessment commissioners throughout this province. The first thing they'd say when you ask them what they thought of a further postponement of the assessment would be, "Oh my God, another one." Their morale has been very substantially lowered by this continual postponement of bringing in a new assessment system. Even Blair, in his report, commented on that. I would like to quote:

"These postponements must, we believe, have a seriously detrimental effect on the morale of the assessors. As was stated in our remarks on assessment, the professional competency he brings to bear, a dispassionate approach to his task, is all-important to the proper operation of a property tax system. It must be realized that the government must now keep assessment values up to date simultaneously for two assessment systems; the current one and market value. When seen in the light of some 3.5 million assessable properties, this is a mammoth task indeed."

So we have Blair making the comment the morale of the assessors is being damaged by these continual postponements of something the government had assured them was very good, and perhaps almost perfect.

There is no doubt, too, the postponements continue inequities, first of all between properties in municipalities. I think my colleague from Waterloo will be giving information on his area which shows there is at least a 25 per cent differential on the taxes paid by property owners with identical homes, within one municipality now but which of course was amalgamated from four or five others.

Mr. Meen stated when he gave a speech to the Golden Mile Kiwanis Club back on October 20, 1976, on the subject of why we need market value assessment: "Of course, with the introduction of market value assessment all the inequities will be ironed out."

Well that's nonsense, of course. Sometimes we have some doubts as to whether there will be any fewer inequities under the system being proposed by this government than there are under the present system. Surely no one, Mr. Speaker, who had any knowledge at all of what is taking place would state all inequities would be ironed out.

The second continuation of inequities is between municipalities, because the government has frozen the system for eight years.

We have had statements in this House to show at least one municipality is losing in the neighborhood of \$8.5 million in grants because of the unequal assessment, or the unfair assessment, in their area and the refusal of this government to make a change in that assessment. I am going to go into what we propose in this bill in just a little more detail.

We will support this bill on second reading, because quite frankly there is no alternative. The policies and the machinery are not in place to make any changes. If we brought in market value, per se, without any percentages of assessments on residential properties, particularly single-family dwelling units, the inequities would be many times greater than they are at the present time. Because the government hasn't done the job, there is no alternative but to postpone. In fact, the assessment roll has to be turned in, I think I am correct in saying on the third Tuesday in December. It's perfectly obvious no major changes can be made ahead of that time. So we are forced into supporting this bill.

Secondly, the section with regard to picking up the additional assessments of completed buildings is something the assessors want, something which is legitimate and something which we support. I should say some assessors throughout the province, as the minister is likely aware, have picked up that extra assessment under the last clause of section 86, which provides for fairness in the assessment system. However, it is my understanding that in some areas they have not and so it is wise to have this section included.

It's our considered opinion this is not the last postponement. As my colleague from Brantford has stated, this government is not going to have the courage to go ahead and bring in a new type of assessment before the next election is over. So we are going to have to postpone this again next year, because I don't think the government is apt, again, to call an election to try to get a majority in the near future.

Under the bill as it stands at the present time the new assessment can be introduced, as perhaps is needed in the case of Waterloo; that option is open to the minister under section 97. I believe the minister mentioned in her introductory remarks they have the power to introduce the new assessment system in a locality or in a municipality. I suggest they should use that section to correct situations where there is a real injustice at the present time.

We think the extension of the present freeze can be made much more palatable, much more acceptable and much fairer, by an amendment which would permit section 71

to be operative. That is a section which requires the government to make an equalization.

I assume from the remarks of the member for Erie (Mr. Haggerty) that he feels that equalization would be based on the market value assessment, and therefore that he is opposed to it for that reason.

The section reads as follows: "The ministry shall examine the amounts of the assessments of rateable property in each municipality and locality on the last revised assessment role of each municipality and locality and determine as nearly as may be what the total amount of the assessment of such rateable property should be, so that costs may be apportioned and grants provided on a basis which is just and equitable as between municipalities and localities."

I suggest to our colleagues on the right that that is a pretty broad statement. The government of this province, if that is made operative, would be able to set up regulations for some form of equalization which is not necessarily based on the new market value assessment. It could be based on almost any formula which they wanted, and would provide, as it states, "that costs may be apportioned and grants provided on a basis which is just and equitable as between municipalities and localities."

I suggest that his is a perfectly reasonable amendment. The equalization factor has now been frozen for eight years. Everyone knows of the inequalities in the amount of grants municipalities receive and the proportion they pay to education costs, and to regional government or counties and other authorities which overlap municipal boundaries. I suggest that if we can make that clause once again operative, then we can make this freeze palatable and acceptable for another year, or another two years, or another three years, until whatever time there is a change made in the system.

We feel that before the final decision is made on changes in the Assessment Act or the white paper on the Blair commission, that there should be an all-party committee of the Legislature to deal with it. I don't think it is unfair to say that on this issue it is not a matter of political policy as pertains to economics, as it is in many things we look at in this Legislature. I think there could be real value in having an all-party committee dealing with the recommendation of the Blair commission.

We say that because we think the logical and sensible steps haven't been taken, that the government hasn't had the courage to proceed, and probably will not have the courage

to proceed in another year or another two years; and that we should take this step to try to make the present Act workable. We think it will be workable if the amendment we propose is accepted by this House.

Mr. Mancini: This is the third time you have repeated yourself.

Mr. Swart: I say very sincerely to our friends on the right, give serious consideration to it.

Mr. Blundy: I rise to support Bill 91, An Act to amend the Assessment Act. I do so because I believe that many people in the province are worried about what will happen when market value assessment is brought in. I meant to say in my remarks, but they have already been said by the member for Welland-Thorold, something about the unusual circumstances of the postponements on bringing in of the Act as they related to the elections that have been held in this province. Obviously the members of the government share the uncertainty and the indecision about market value assessment that I do and many other people in the province do.

[4:30]

There is one thing that I want to say: The hon. minister, in her initial remarks on this bill, repeated several times something to the effect that the government wanted to ensure that no group of taxpayers in the province of Ontario would suffer. She wanted to make sure there would be equality among the taxpayers of Ontario. If only those sentiments expressed by the minister were shared by the Treasurer of Ontario; I am living proof of what is happening, because I am being hurt by what is going on now.

We in the city of Sarnia, because we were forward-looking enough a number of years ago to update our assessment and bring it up to standards of that time, just prior to the takeover by the province of the Assessment Act, are now suffering. I might mention for the edification of the hon. minister that we are not alone in the problems that are now upon us. The city of Windsor is losing \$8.5 million in 1977 grants from the province, that is under the equalization resource grants. The city of Sarnia is losing \$1.9 million; the city of St. Catharines, \$1.2 million; the city of Burlington, \$1.2 million; the city of Sudbury, \$1.2 million; the city of Kingston, \$45,000; Woodstock, \$323,000; Kitchener, \$600,000.

The lack of transitional grants to these municipalities, in my case is going to put me in the position that I will be paying—on the average the homeowners in the city of Sarnia will be paying—\$58 extra in 1978.

As I have said, we are very uncertain about what market value assessment is going to do. We are wary of it, but we who are willing to wait are somewhat in the position of hostages of the government. We are being held as a hostage in the hope that we will raise so much furor and trouble and complaint against the government that they will institute market value assessment right away and blame it on us.

We are not going to take the blame for it. It is the government that will have to take the blame for it when it comes. God knows if it doesn't have a tax reform accompanying it we'll all be in great difficulty. But there is no reason in the world why the province, through the Treasurer, could not make transitional grants to these municipalities that are being so seriously hurt.

I would like to read a very short paragraph that I think has a lot going for it. Just four weeks ago, the Treasurer of Ontario said; "A working partnership with local government, to weather what will be a very tough year ahead, is absolutely necessary." I buy that statement. All I ask is he does look at us as partners on behalf of the people of Ontario whom we are all serving.

How can the minister say, as he has said in this House in reply to questions put to him, that there would be no relief to the municipalities who are so sorely hurt for 1977? When the question was put, "What about 1978?" he said it was too early to commit himself on that matter.

There is no question, the government is certainly being very unfair to my municipality and several other municipalities I have mentioned; and in the amounts I have mentioned in the case of each one. We know there is going to have to be tax reform. We know it is going to have to go hand in hand with market value assessment. We don't want to be here today to demand market value assessment. I am here to demand relief until such time as the government is in a position to truly equalize the opportunities and the taxes of the people of this province.

Mr. Davidson: Mr. Speaker, I rise to offer reluctant support on the issue before us today, I say reluctant, because I, for one, do not feel the tax reform in the province of Ontario should be delayed any longer, even though I am aware of some of the problems that could develop with the implementation of market value assessment.

I offer my reluctant support because I am trying to get a trade-off with the minister.

I happen to represent one of those cities in the region of Waterloo which is, in fact, trying to get market value assessment established immediately for the year 1978.

The reasons for doing so are well known to the minister, but for the benefit of yourself, Mr. Speaker, and for the benefit of others in this House, I would like to go back a little bit and relate why the municipalities in the region of Waterloo, and particularly the city of Cambridge, are trying to get market value assessment implemented as of 1978.

In 1973 the area was regionalized and became the regional municipality of Waterloo. At the same time the city of Galt, the town of Hespeler, the town of Preston, part of the township of North Dumfries and part of the township of Waterloo, were amalgamated to form what is now known as the city of Cambridge. One of the problems that occurred at that time was that though they realized they were going to amalgamate these communities and form a city, they did not take the time to equalize the tax structure in the various areas in order to assure that once it became a city that the taxes throughout the city would be equal. As a result, we found in the year 1976 approximately 1,800 homes, most of them in the area that had formerly been in the township of Waterloo, were overlevied for taxes. Approximately 300 of these homes were overlevied by anywhere from 20 per cent to 40 per cent. I would like to give you an example. There are two comparable residences located on the same court. One is levied for taxes on the basis of the old Hespeler assessment and the other on the basis of the township of Waterloo assessment. The 1976 taxes for 16 Tamarack Court were \$755.80; 22 Tamarack Court, a comparable home, was taxed at \$613.24, giving a differential of 24 per cent. The only difference between those two places was an imaginary line that happened to run between these two homes: the one home being in the former town of Hespeler, the other being in the former township of Waterloo.

The situation is so bad that the city of Cambridge treasurer, Mr. John McIntyre indicated that the entire tax system in the city of Cambridge was nothing but a mess. I'm sure the minister has been through the documentation on this because I understand she was presented with a brief by the Cambridge North Ratepayers Association, which outlines explicitly the problems that exist in the area.

I wrote to the minister on September 23, 1977, requesting that she take some action. This was following up the proposal put forward by the Cambridge North Ratepayers

Association at a meeting that they had with the minister. I followed up action which the city of Cambridge, through their council, had attempted to initiate. I felt that by writing her a letter I could also add my support to try to get some of the injustices straightened out in that area.

I hadn't received an answer by October 7, so I wrote the minister another letter. I indicated to her that some of the problems were probably greater than had been anticipated; that we were now finding people who were paying taxes from around \$1,089 a year to approximately \$2,000. I have not received an answer to that letter either.

The problem got so great that the people started posting on their front lawns the amount of taxes that were being paid on the various homes in the area. They were told that they were violating the law, either provincial or municipal; that they couldn't post their taxes in front of their houses; that the only thing they could post were for sale signs and various other election signs and things like that. So being the imaginative group that they are, they went out and got for sale signs and they put up, "Will you care to buy this home? The taxes are only so much per year." What they were trying to do was to draw attention to the fact that in their area they were being highly overtaxed.

Some action started to take place. In a letter sent out by the chairman of the region, Mr. Jack Young, to the mayors of the various communities, he pointed out that he had met the minister, along with the mayors, and he wanted this letter to go before the councils. Apparently the minister had told him, and I think it was very nice of her to do so, that if the region could present substantial unanimity on the part of all the area councils and regional councils that she would go to bat for us with the cabinet. Now that's the way Mr. Young has put it in his letter. I understand the minister has gone to bat; I am not at all sure whether she hit a home run or not, but I would like to think so.

Mr. Foulds: A foul bunt down the third base line.

Mr. Epp: She struck out with Darcy.

Mr. Davidson: The people up there certainly are in dire straits when it comes to the form of taxation that they have; so much so that unanimity was achieved.

[4:45]

Mr. Speaker, I don't intend to read all of these, but with your indulgence, I would like to put on the record a letter from Mr. Jack Young, the chairman of the region, to the minister. It says: "I enclose an extract

of regional council minutes of November 10, 1977, which will confirm the support of council for the unanimous stance taken by our area municipalities with respect to the above mentioned proposals." That is from the regional council.

We have a letter dated October 31, 1977 from the corporation of the city of Cambridge, under the name of A. L. Habermehl, the city clerk; a letter dated November 8, 1977, from the city of Kitchener under the name of R. W. Pritchard, city clerk; a letter of November 8, 1977 from the township of North Dumfries, a Mr. Jim Butt, clerk-treasurer; a letter from Waterloo, Ontario, under the name of L. J. Ayers, deputy city clerk; a letter from the corporation of the township of Wellesley, under the name of Gordon Ludington the clerk-treasurer; the corporation of the township of Wilmot, under the name of Grant Swartzentruber, the clerk-administrator; and a letter from the township of Woolwich, under the name of Gordon Cooper, the clerk-administrator; all of which request the Minister of Revenue to implement market value assessment in the year 1978.

As I said earlier, Mr. Speaker, I rise reluctantly to support the bill before us, because it seems rather strange that I'm supporting a bill saying we should extend the freeze on the implementation of market value assessment, and at the same time am urging the minister to heed the requests of municipalities within the region of Waterloo and, if you're able, introduce market value assessment as of 1978.

SUPPLEMENTARY ESTIMATES

Hon. Mr. Brunelle: Mr. Speaker, may I interrupt just for a second, I have a message from the Honourable the Lieutenant Governor, signed by her own hand.

Mr. Speaker: By her own hand, P. M. McGibbon, the Honourable the Lieutenant Governor, transmits supplementary estimates of certain additional sums required for the services of the province for the year ending March 31, 1978, and recommends them to the Legislative Assembly, Toronto, November 29, 1977.

ASSESSMENT AMENDMENT ACT (concluded)

Mr. Speaker: Does any other member wish to become involved on second reading debate?

Mr. Epp: Thank you very much, Mr. Speaker. As indicated earlier by several speakers what Bill 91 does is postpone

market value assessment for another year. There have been a number of postponements. Both my colleague the member for Erie (Mr. Haggerty) and my colleague the member for Sarnia (Mr. Blundy), have alluded to this postponement. It's quite obvious the government really doesn't know what it's doing about the whole matter.

We've had three full reviews since 1944-45 or a little later, since Mr. Frost became Premier. Thirty years or so, and every time there are postponements despite the fact that during most of the years the government has had a majority government. They've always shied away from serious reform. Obviously, as indicated earlier, they are shying away from it again. They really don't want to bite the bullet.

One of the things the government hasn't done formally, but has done continually over the last 34 years, is have a ministry of procrastination. They haven't formed that ministry, but they certainly practice its art a great deal. This is evident again today with the postponement of market value assessment. It's probably good for the municipalities that they have decided to postpone it, because as is obvious to everyone they certainly haven't given the municipalities the data they've requested, which they very much should have received.

For instance, the minister has indicated and acknowledged the fact they have some computerized data that would break down, block by block, the kind of assessment contemplated. If this were given to the municipalities, they could evaluate what market value assessment would do in a more intelligent manner. Some of the municipalities have this broad data; others haven't received it. It's very cumbersome for them to come here and to receive it, to go down to the Ministry of Revenue and copy it out. The minister has indicated it's not valuable to them; but a number of municipalities which have it feel it is valuable, therefore why should a decision be made here it's not valuable to municipalities? Why should this decision be made here when in fact those who have received it feel it is valuable?

The other point I'd like to make is that some regional municipalities, as the member for Cambridge indicated, have requested market value assessment. I'm afraid one of the reasons they've requested it is they don't have all the data. I'm not so sure if they had the data they would be as keen to request it. The reason they've asked for it is because a number of problems have developed in the region over the last five years and those problems only became evident

after regionalization came in 1973. There was no demand, there was no request for market value assessment prior to introduction of regional government in 1973.

As indicated by my colleague, Sarnia, Windsor, St. Catharines, Burlington and many other municipalities feel they have been short-changed through the resource equalization grant; and as also indicated earlier, they feel somewhat like hostages, like Mr. Marion from Quebec who was a hostage for some 81 days or something. In the case of municipalities, it's been since about 1973; they've been held hostage for hundreds of days by the present government which chooses to ignore their pleas for additional money.

This could be resolved easily by the government if they chose to give them transitional grants. They could do that if they chose to do so. Instead, they've chosen to permit the municipalities to lose millions of dollars, and let other municipalities which are getting the resource equalization grants subsidize them. Now we notice, of course, that some of the municipalities have gained a great deal from the resource equalization grant, cities such as London. I don't know whether there's any coincidence between that and some of the other political factors evident in the province—representatives from London have had a considerable amount of influence on the government in the past—or whether it's strictly accidental. I guess I'll let the public decide.

It's obvious the minister has condoned the delay in letting the right hand know what the left hand is doing. Some kind of reform is going to have to be brought in, some property tax reform, and after much procrastination the government is going to have to come to grips with this. One of the aspects that hasn't been touched on today is the fact a lot of municipalities want to have an interim payment early in January. I was told this morning by one municipality that due to this delay in bringing in this bill and letting the municipalities know what is going to happen, whether or not they're going to have market value assessment, they're going to lose thousands of dollars next year because they won't be able to bring in their interim payment as quickly as they originally did. Last year they brought it in, I think, on January 10. They were able to gain the interim tax levies from the taxpayers at an earlier date than will be possible this year. This is a municipality of about 50,000. If this applies to all the municipalities which get their money early through interim payments in taxes, and to cities the size of Toronto, Hamilton, Windsor, Ottawa and

others, they can save the taxpayers thousands of dollars. They can save this money if they're very conscious of the money they get early and invest it in short-term investments and also use it to make their day to day payments. By bringing this bill in at this late date thousands of dollars will be lost by the municipalities of Ontario. The municipalities must start organizing at this point to get their interim payments. The bill isn't through yet and we don't know how much longer it will take to get the bill through. I don't think this is fair.

I wish the minister, in her comments, would address herself to why there has been this delay in bringing in Bill 91 and why there has been a delay in letting the municipalities know what is happening. I wish she would also address herself to the point raised by myself and others with respect to bringing in transitional payments to municipalities such as Windsor, which is losing millions of dollars this year, Sarnia and other municipalities in the province.

I wish she would also address herself to the point I raised on at least one previous occasion: Municipalities would like the raw computerized data with respect to market value assessment. I for one, and this party, and the people of Ontario, can't make an intelligent, rational decision on how market value will affect them until this data is disseminated to all the 835 municipalities in Ontario.

Ms. Bryden: As previous speakers have pointed out, this bill is the third postponement of market value assessment. One wonders if the government will ever find the right time, politically speaking, to bring in the reform of our assessment base.

In addition to the cost of the various assessments carried out, and the various deadlines which have been attempted and missed, there is also the cost of a number of tax appeals which various taxpayers have been able to win successfully against the government due to the present inadequate assessment system. I don't know whether the minister can give any estimate of how much has been lost through that avenue during the period of uncertainty about the revision which has not come into effect.

When the move to market value assessment was first proposed, the NDP urged the government to make sure an adequate study was done of the likely effect on different classes of taxpayers, in order to determine whether there was going to be a shift of substance of the tax burden from business and commercial taxpayers to residential tax-

payers. We urged the government to study methods of offsetting any such substantial shifts.

They do not appear to have produced a satisfactory solution to this problem. They appear to be floundering in their efforts to find such a solution and prevent such substantial shifts. So, since this has not been done there is very little we can do but support this postponement. I would hope the government would use the next year to produce a more detailed plan for preventing radical shifts between business and commercial taxpayers and residential taxpayers and between groups of residential taxpayers, some of whom are more affected by inflation than others.

[5:00]

I want to speak to section 1, subsection 2, which declares that any erection, alteration, enlargement or improvement to property costing in excess of \$2,500 in value shall be subject to assessment and taxation next year, which, as the minister pointed out, closes a loophole. I suggest that in bringing in this clause, the minister might consider an amendment which would add an exception to this clause, stating that any home modification made to enable a handicapped person to lead an independent life in his own home should be exempt from assessment and taxation next year and for all future years.

Many handicapped people have to be institutionalized at a cost of \$15,000 to \$20,000 a year to the province, if they are not assisted with the cost of home modifications to enable them to stay in their own home. Just by way of example, I would like to draw the minister's attention to a family in my own riding. The Van Santen family has an average size home, quite adequate for the four members if they were all fully mobile, but 15-year-old Chris has cerebral palsy and must operate from a wheelchair. He cannot go up or down stairs and his father can no longer carry him.

Recently the family spent \$20,000 to add a ground floor bedroom for Chris. It has a special bathroom attached, with the door wide enough for a wheelchair, and a shower and basin designed for Chris's special needs. In addition they installed a back porch with a lift built on to it, so that Chris can move from his room to the street and the outdoor world on his own.

The family has appealed to provincial and municipal officials for exemption from extra assessment based on the modifications. They argue that families with a handicapped member have extra heavy expenses which others do not have. Moreover, they contend

that the changes in the house may not add anything to the market value of the house since the special equipment is not likely to be needed by very many purchasers. So far they have received no promise of relief, although the government puts advertisements in the newspapers boasting about all the services it is providing for the handicapped. But, when one reads the fine print, one finds that home modifications—

Mr. Speaker: I would like to remind the hon. member, that while she makes a good point she is talking about something that isn't in the bill rather than a principle that is in the bill. Perhaps it may be more appropriate if she pursued this in clause by clause by way of amendment, rather than dealing with something that actually isn't a part of the bill.

Ms. Bryden: Yes, Mr. Speaker. I was just suggesting an amendment the minister might bring in herself if I could persuade her. However, your point is well taken. I think it is a question of assessment of changes in the value of property which is covered by the section that I cite. I would just like to say that the minister can make a real contribution towards enabling handicapped people to escape from dependency, and to operate on their own, if she would consider an amendment of this sort.

Mr. Mancini: I rise to support Bill 91. The postponements of this market value assessment are starting to become a joke here at Queen's Park and in many council chambers across this province. We all know why the minister, and why the government across the floor, have decided not to proceed with market value assessment. It doesn't have anything to do with the effect it will have on the taxpayers of this province. The only reason we have this bill before us is because the government has 58 members instead of 64.

We also know why the ministry and the government do not want to proceed with market value assessment, because they have informed us of the kind of tax reform they would like to initiate after they have had market value assessment forced on the people of the province. We know they are considering taxing all public buildings, charitable institutions, golf courses and many other things I could name now.

We have brought this subject up in debates previous to this and I wonder, when my colleague, the member for Waterloo North, asks questions concerning factual information his municipalities or other municipalities across the province would like concerning market value assessment, why the

information has not been given? I have been here, I have listened to the answers of the minister, yet everyone is in a state of confusion.

Many of the people finding it very difficult to pay their property taxes now are worried. The senior citizens are worried because they might be forced to sell their homes, which they worked all their lives to buy and maintain. And when is the minister going to stop these postponements? When is she going to try to initiate tax reform without market value assessment? When is she going to take steps to help cities like Windsor and its surrounding area, places like Sarnia, which have been detrimentally affected by her government's policy?

These are straightforward questions I put to the minister and I hope she addresses herself to them in her response.

Mr. Charlton: I too rise reluctantly to support this bill. Reluctantly, I suppose, because for the past four years I have been a part of that declining morale in the assessment division to which my colleague from Welland-Thorold referred. I do though understand the government's need to postpone this market value reassessment yet again. They have not come fully to terms with the recommendations of the Blair commission and as a result are not prepared, or have not laid the base on which the reassessment will be implemented.

I would like to say though simply postponing the reassessment once again is not good enough. For us in this House—the government side, the party to my right, and my own party—it is not good enough to say the government, for political reasons, has postponed the reassessment a number of times. It is probably very true the political reasons, the minority government situation, played a large part in the government's decision. By the same token, both parties on this side of the House are here today supporting the postponement as well.

Everybody, for whatever reason, seems to be afraid of the implementation of this reassessment and the political consequences. That should say something to all of us about the whole program of market value reassessment. It says something very serious to me, and I say to the minister it should be quite obvious from the debate today even the legislators in this House don't fully understand what the reassessment is about, don't understand what the consequences of its implementation will be and don't understand what the consequences of its postponement are. If it's not clear that the legislators here in this House understand those things, municipal politicians right across this province are in

the same boat, they don't understand—it isn't clear to them what the consequences are, either way.

Even more so the public most certainly doesn't fully understand. Members of the public who have complained about their assessments under the current system over the past seven or eight years have been told, with some degree of accuracy, by assessors: "We're sorry about the inequities you feel are in your current assessment, but there is nothing we can do about those inequities at present. But we feel honestly, that your problem will be resolved under the market value reassessment." Some of those people are looking forward to that market value reassessment, but they still don't understand it.

Even with that, the large majority of the public are afraid of the consequences. They're already upset about the level of property taxes they pay. They don't understand how market value reassessment is going to affect their relationship with their neighbours and other neighbourhoods in their community and the rest of the region, if they happen to live in a region. If all of these things aren't very clear to the minister, they're certainly clear to the members of her staff who work in the assessment function and who I see here today.

In 1970 this government took over the assessment function for the entire province. It embarked upon a province-wide uniform market value reassessment. The reasons why the government took on this project were obvious and well stated. The current assessment system was found to be riddled with inequities, within a municipality, between properties, between neighbourhoods and between municipalities.

The assessment levels in municipalities ranged from very low percentages of actual market value to almost full market value, in some instances. This caused problems in the grant structure in amalgamated municipalities and in regions. The trends in the real estate market over the past 20 years had caused considerable disparity between the residential, commercial, industrial and farm sectors. The lack of consideration in the current assessment system of the age and condition of older homes over the years with each new home that was built caused a considerable disparity between old homes and new homes.

All these factors and many, many more led the government to decide that the problems of inequities, inequalities and imbalances in the assessment system could only be dealt with through a complete province-wide uniform market value reassessment. Those were all serious problems in 1969. The government's initiative to deal with those problems was an admirable one.

At the outset of this program, the current assessments were frozen province-wide and the inequities were all locked in. Unfortunately, they were only locked in from downward mobility. With each year that's passed since 1970, the inequities in the current system have grown. They didn't freeze them from becoming worse.

The situation has become so bad in a number of municipalities across this province that we have seen, and we are seeing, municipality after municipality demanding that the market value reassessment be implemented—demanded in many cases, by citizens and by councils who don't fully understand the import and the consequences in terms of the tax shifts, hardships and so on the reassessment could cause in their area. They are demanding this implementation because of what has become in their area, their municipality, or their location, a situation under the current assessment system which is so ridiculous, and so outrageous they can't put up with it any longer.

[5:15]

Market value reassessment was begun in 1970 with the intention of implementing it in 1974 for taxes in 1975. The province was reassessed at a 1972 market value level in a fairly uniform fashion, although there were some minor differences in practice and application of ministry policies across the province. I think it's fair to say however to a large degree the reassessment at 1972 market value was done in a fairly uniform fashion at a reasonably acceptable variance from actual market value.

The subsequent postponements meant that eventually the assessment branch had to update 1972 market value to 1975 market value. To accomplish this a number of different methods were used. In the case of residential properties the assessments were updated from 1972 to 1975 by a market factor. That means some of the individuality of the assessment done for the 1972 market value was lost.

At this point the problem isn't severe, but it is a factor. I think in the majority of cases commercial properties were reassessed at 1975 market value, based on income. I think, although I didn't work on any of it, some industrial properties were as well. For the most part industrial properties were updated from 1972 cost values to 1975 cost values. In the case of farms, the buildings were updated by a factor, and the land was reassessed at 1975 market value.

Although it is not severe and is still acceptable at this point, we've got creeping into this new system, this market value system, a

number of small inequities before we have even had a chance to try it.

My colleague from Welland-Thorold read the minister a quote earlier from the report of the Blair commission saying if those 1975 market values weren't implemented virtually immediately they would have no value. I don't think it's quite as bad as the Blair commission has stated but it is almost a unanimous consensus throughout the assessment branch that if the market value reassessment is delayed beyond 1979 those values will be useless and the entire job will have to be redone from scratch. All of the past 10 years will go down the drain and the frustration will be much greater in the division itself, I suppose.

None of us even know at this point what the reassessment will mean in terms of overall equity and tax shifts. No one is quite sure at this point whether the market value assessment approach is the answer to the problems in the property tax sector. Even in its best form market value assessment has not been fully explained to the public. Already we have postponed it long enough so those inequities are starting to creep into the system.

As a result of all of this, I feel a number of things have to happen in addition to this postponement. This government has to be prepared to do something now to deal with the problems faced in the municipalities with the just horrendous number of inequities that exist in the current assessment system. My colleague from Welland-Thorold talked about some of them. The members to my right have talked about others. But there are literally hundreds and thousands of them that have to be dealt with. If the government is not going to take responsibility for implementing tax reform, then the government is going to have to be prepared to deal now with the problems the municipalities and the taxpayers in those municipalities are facing.

We've heard a lot of talk here today about this whole question of the public's view of market value reassessment and the fact the government and, generally speaking, this Legislature have shied away from implementing it because of political reasons. After 10 years there is no point in running away any longer. There is no point in this postponement if we're not going to be in a better position next year than we are this year.

This Legislature should be very clear, and the minister should understand fully, unless the public, the municipal politicians, and the members of this Legislature are far, far better acquainted with market value assessment and the Blair commission, or whatever other tax recommendations are going to

be implemented by this government, we'll be going through the same thing next year. Everybody will be reluctant and it's quite possible we'll go through the same thing next year anyway, because of the election or lack of it.

The Ministry of Revenue assessment division should be getting out the market value data to the municipalities and to the taxpayers, property by property, with both the old and new assessment on them. It's easy to say, and I've heard the comment from assessors, assessment commissioners and even some of the minister's senior staff, if the ministry puts the market value data out to everybody they'll scream. Obviously if it goes out it's got to go out in conjunction with a campaign on the part of the ministry to discuss it with the people in this province. But there is no sense in letting the whole project go down the drain because the minister has to postpone it again next year.

Put out the market value data. Let the municipalities establish what the 1978 mill rate would have to be to cover them based on the market value assessment. Let them apply that mill rate against individual assessments. Let the homeowners have a look at the taxes they would have had to pay. Let everybody get involved in the discussion and let the ministry play a positive role in terms of talking to the people of this province about what that reform means.

Let us use that method to decide now whether we should scrap this project altogether and start looking for other alternatives or whether we should go ahead with this project. But let us not keep our heads in the sand. Let us not push this project off and off and off, at the same time ignoring all inequities in the current system and allowing them to go undealt with because we're promising everybody they'll be dealt with when we do a reassessment.

It has gone on long enough. It's time we and the ministry did something positive to see the public and everyone concerned in this whole process is apprised exactly in hard facts and dollars and cents, what this reassessment is all about, so we can finally come to some conclusion.

There's no point in having to go through another five or six years of another reassessment if we're going to end up going through this same process again.

Mr. Foulds: Very good. Very fine speech.

Mr. Ruston: I suppose a person could talk for an hour on assessment, but since we're dealing with only the delaying of market

value assessment in Bill 91 I'll try not to wander off the bill.

There are a number of things involved in market value assessment and are the reason many people are concerned. In one of the townships in which I was involved, putting in market value assessment probably would be a major catastrophe, because it has about 17 warehouses of Hiram Walker and, of course, stores liquid refreshments that many people buy. I suppose the market value of one of those warehouses is not necessarily that great to many willing buyers and willing sellers. What could be in that case, is the tax structure could really increase in the residential and farming area.

Just a few years ago the Treasurer lowered the assessment for liquor industry, where the business assessment was 150 per cent, to 140 per cent. In that township alone it meant \$24,000 more spread out over the residential taxes and farm taxes. That is alleviated to some extent in the farming area, of course, because of the province's 50 per cent of grant for farm purposes.

But I wanted to speak with regard to the equalization resource grant in the city of Windsor, since it neighbours on my riding. The hon. member for Windsor-Walkerville (Mr. B. Newman), who cannot be here today, I'm sure would want to speak on this matter, because he has been involved in it for some time. From the reports we see in the paper, and from the people in Windsor and their officials who have done a study on this, it would appear that they are about \$8 million short of provincial grants for the city of Windsor. That is really a major catastrophe. Windsor tried to keep up on its assessment a number of years ago.

Essex was one of the first counties in Ontario to go on a county-wide assessment and then, of course, it wasn't long after that the province took over the whole thing. But we did have inequities, probably much more so when we had each municipality doing their own assessing. We felt that when the county took over, it did right some of the wrongs that previously had been there.

But before we bring in market-value assessment, there has to be a reassessment of costs, programs and provincial government sharing programs with the municipalities. Probably there should be a real look at whether education taxes should be on the municipal taxes at all, or whether there should be a step to have them removed from the municipal tax burden. Over the past 10 years our party, of course, has recommended that at least 80 per cent of the cost of education be borne by the province.

Mr. Foulds: Are we on the principle of this bill, Mr. Speaker?

Mr. Ruston: Of course that varies in some areas even today, because of certain assessment rates and so forth.

The whole structure of paying for services to people, services to property is something that should be given a thorough examination before we can bring in market value assessment. One has to consider all of them in the total package. It's going to have to be done because otherwise it could be a real major problem in many municipalities.

Mr. Bounsall: I rise specifically to talk about that area of the bill which most detrimentally affects the city of Windsor. They really started several years ago to realize that the resource equalization formula was working to the strict disadvantage of Windsor. They've lost considerable amounts of tax money. Now, having in the last several months done their calculations very carefully, it amounts to \$8 million.

Just a short time ago it occurred to them there may be other communities in the same situation as Windsor. They reached out to the nearest one of any industrial size, Sarnia, and found in fact Sarnia was in the same position. Since then they have found 18 other communities in the province of Ontario, none nearly as badly off as the city of Windsor in total amounts of money lost, that are disadvantaged because of the continued freezing of section 71 of this Act.

[5:30]

This section has been frozen now for eight years, and its effect upon Windsor is now quite profound. I hope the representatives from all of those 20 municipalities affected by this continued freezing of section 71, of which Windsor is the most affected, would take careful notice of the amendment that will be introduced by the member for Welland-Thorold. This is on section 3 of this bill, referring to section 71 of the Act, which deals with the equalization factors and proposes to have that, "... be not in force and remains inoperative until the 1st day of January, 1979." This amendment would change 1979 to 1978, and require the ministry to cause resource equalization to take place. We're not talking about market value assessment equalization by that amendment causing section 71 to become operative.

The problem that Windsor and 19 other communities are facing would be met starting this January. It's become very critical for the city of Windsor, the taxpayers of Windsor, that that type of equalization take place now. I'm sure the member for Sarnia now appreci-

ates the amendment will be put forward by the member for Welland-Thorold. We will receive support on that amendment to ensure that equalization allowed for—it's quite a broad section, under section 71 of the Act—now starts to take effect as of this coming January. Thus the \$8 million worth of inequity, as it affects Windsor, and the other inequities in 19 other communities across this province, must be dealt with starting January 1978.

The members for Welland-Thorold and Hamilton Mountain certainly did a fine job in their remarks in dealing with the bill in total but this is the section which is very critical to the city of Windsor. This is the amendment which will remove that inequity and allow that resource equalization to take place, where we're no longer disadvantaged. This section is absolutely key in this bill and I recommend to all members of the House that they support the amendment to change the date from 1979 to 1978 so equalization and equality must take place across this province and that no community be in this severely disadvantaged situation.

Mr. Wildman: On a point of order, I would hope that the House would join me in welcoming the former member for Algoma, Mr. Bernt Gilbertson, who is in the gallery.

Mr. Warner: I think we deserve some explanation from the Minister of Revenue, particularly in the light of the statement made by the Treasurer today regarding the boundary changes for Metro Toronto that flow from the Robarts commission report. The minister is well aware that much of the thrust of that report hinged upon the market value assessment; it hinged upon the Blair commission recommendations. Are we now to just pitch the whole report; put it on a shelf somewhere; forget the \$1.1 million spent on that exercise? What the minister has created with this delaying tactic is a great deal of confusion for two and a half million people in Metro Toronto.

The Treasurer stood today in the House and said the government of Ontario was not going to change the boundaries of the area municipalities in Metro Toronto. Fair enough. There are certainly lots of logical reasons why the boundaries should not be changed. But he doesn't have anything to put in its place. That of course was the most serious part of the whole Robarts report. It identified the economic problems and said that a way to handle the problems was to change the boundaries. The Treasurer says we are not going to change the boundaries but we don't have anything else to put in its place.

The report at the same time said that not all of the answers to the economic problems could be found until we knew what the province was going to do with market value assessment. I think the minister owes—not just to myself obviously, but to the two and a half million people in Metro Toronto—some answer to the confusion she's a part of now. The Treasurer began the confusion this afternoon and she's now adding to it.

I think we need some answers, and pretty fast, because otherwise it would appear that we are not going to salvage the good parts from the Robarts report—and there are a lot of good parts to that report. But the thing is that report is just going to sit on the shelf and collect dust unless we get some clear answers both from the Minister of Revenue on market value assessment and from the Treasurer as to his alternatives to not moving boundaries around. Because those small boroughs of York and East York in particular are desperate for some answers to the financial problems and at this point neither the Treasurer nor the Minister of Revenue is supplying the answers.

Mr. Deputy Speaker: Is there any other member who wishes to participate in this debate? If not, the hon. minister.

Hon. Mrs. Scrivener: Thank you Mr. Speaker. I would like to thank members for their full participation in the debate of this important bill. I appreciate the concerns they have expressed to me today. I want to reassure them they have been duly noted and will be considered during the deliberations of the government as to the future directions and policies concerning the introduction of market value assessment.

I would also like to reassure members that there will be the fullest consultation and dialogue over the introduction of market value assessment. It will be very much a part of the introduction of this important adjustment and improvement to our municipal system. This dialogue will be carried very directly to the individual taxpayers who will have an opportunity to bring up their questions and discuss their requirements and their tax bills with experts who will be on the scene to serve them.

I detect what I can only describe as a morbid fascination by the members as to the introduction of market value assessment. It's as if they are in the position of the spectators who are watching a man on a high wire, wondering whether or not he may fall or whether he'll make it. I suspect that there's a similar fascination with the progress of market value assessment as it proceeds through the hands of this government.

I would like to reassure members that there is no doubt in my mind as to the outcome.

Mr. Reid: We are watching a woman on a tightrope, not a man.

Hon. Mrs. Scrivener: That may be even more interesting.

As to the remarks from the various members, I certainly appreciated the remarks from the member for Erie (Mr. Haggerty) who reviewed and expressed his concern about possible tax shifts from industrial assessment to residential, and noted what he thought might be an impact upon hospitals and separate schools under market value assessment.

He did note that the differences in interpretation of assessment manuals were the Treasurer's responsibility. I think though that this is the whole point and the whole thrust of market value assessment—that we are going to get a uniform application.

The member for Welland-Thorold (Mr. Swart) touched on a couple of things. In the first instance, I want to confirm to that member that assessment values placed upon new construction most definitely come under market value.

I still noted that he didn't declare whether or not he would bring in his amendment, but he did say he supported the bill on second reading. I thank him for that.

Mr. Haggerty: He is going to.

Hon. Mrs. Scrivener: The member for Cambridge (Mr. Davidson) gave us a lengthy description of the Cambridge experience. His description, as I understand it, is factual. I think he has caught the fact that I have been as concerned as the members in that area for what is happening to that municipality. I have been most deeply involved with the development of the local municipal policy and expect to be able to respond to it in due course.

Concerning the remarks of the member for Waterloo North (Mr. Epp), I would remind that member that a considerable amount of data has already been provided to the municipalities. Really and truly there is no point in providing block by block computer data to the municipalities without having it refined to a very considerable degree—unless it is just that members want to satisfy their own personal curiosity about individual assessments on residences. That can be provided if the member is concerned.

Mr. Epp: Toronto got it, and they appreciate having it.

Hon. Mrs. Scrivener: No, they did not. You are confusing what it is that the city of Toronto asked for and received.

On his remarks concerning delay on putting out interim bills in January, in all fairness I have to say to the member that had this bill been debated last Tuesday, as we wished, there wouldn't even be a possibility—it wouldn't even be part of his remarks today. But his own House leader indicated that his party was not prepared to proceed at that time.

However, I would reassure the member that any municipality which has put out an interim tax bill in the past can certainly proceed to put out an interim tax bill as soon as 1978 is with us for at least 50 per cent of the previous year's tax bill. There is nothing to prevent a municipality from raising money in that way.

The member for Beaches-Woodbine (Ms. Bryden) departed just a little bit from the principle of the bill when she called for "a special assessment or relief for persons who require modifications to their dwellings to accommodate handicapped persons." She raised this matter with me during the estimates debate for the Ministry of Revenue and I indicated to her at that time my comprehension and sympathy for the point that she was making.

As Minister of Government Services I was responsible for a great many of the modifications now used by handicapped persons in public buildings in this province and in this Queen's Park complex. I heard her very well during the debate on estimates, and I heard her again today, and I will remember.

[5:45]

The member for Hamilton Mountain (Mr. Charlton) stressed a lack of comprehension by legislators, municipalities, the public. I have to say I don't concur. I believe a great group of people in the public sector do understand market assessment very well and understand its implications and its impact. They have taken the time and trouble to inform themselves and know full well what is involved with the introduction of market value assessment.

Mr. Warner: He worked there. He knows more about this.

Hon. Mrs. Scrivener: I simply can't concur with his statement and I would suggest the very fact some of his own statements were equivocal may be a reflection of his own confusion.

Mr. Swart: He knows more about this than anyone else in this House by far.

Mr. Warner: Forgot more than you could learn.

Hon. Mrs. Scrivener: Mr. Speaker, to conclude, the member for Sarnia (Mr. Blundy)

referred to the fact I had said earlier no group of taxpayers in Ontario would suffer. I would reiterate in my closing remarks I will not introduce market value assessment in Ontario until I am satisfied it will not work a hardship on the taxpayers of Ontario—

Mr. Blundy: What about the hardships now?

Hon. Mrs. Scrivener: —and will not create a disruption to local municipalities.

Motion agreed to.

Ordered for committee of the whole House.

MUNICIPAL ELECTIONS ACT

Mr. Ashe, on behalf of **Hon. Mr. McKeough,** moved the order be discharged and Bill 49, An Act respecting Municipal Elections, be withdrawn.

Motion agreed to.

Mr. Swart: Mr. Speaker, would it not be in order at this time to ask for an explanation for the reason of the withdrawal? Or can we anticipate there will be a statement by the Treasurer in the House?

Mr. Ashe: If I may, Mr. Speaker. If the hon. member had been listening, I'm sorry to have awakened him, the eighth order was the calling of Bill 49 which, as I'm sure the hon. member is quite aware, the government replaced with Bill 98.

Mr. Ruston: My gosh, wake up, Mel.

CORPORATIONS TAX AMENDMENT ACT

Hon. Mrs. Scrivener moved second reading of Bill 88, An Act to amend the Corporations Tax Act, 1972.

Mr. Deputy Speaker: Does the hon. minister have an opening statement?

Hon. Mrs. Scrivener: Yes, I do, Mr. Speaker. I doubt I'll finish it by 6 o'clock.

This bill, An Act to amend the Corporations Tax Act, is the first legislative step in this phase of our tax simplification program. I say this phase because tax simplification is by its nature an ongoing, revolutionary process.

The basic objective of the tax simplification program is to make compliance with and administration of the statutes as straightforward a process as possible. If we, as a Ministry of Revenue, expect taxpayers and tax agents to comply with requests for returns, remittances and highly confidential information as we do then the onus is on the ministry to provide a sufficient level of service so

the taxpayer knows and readily understands his rights and obligations. There are several steps in the provision of this service.

The first step in giving effective service is to provide sufficient information so the taxpayer knows his obligations and his rights. This information must be clear, concise and easily understood. The vast majority of our taxpayers are not experts in law or finance and have no access to that kind of expertise other than through my ministry. We are, in effect, the basic tax advisory service for 75 per cent of the business in Ontario.

The second requirement of good service is accessibility. If a taxpayer has a question or a complaint, he needs to contact the right person at the time he has the problem. He should not be subjected to the old runaround, being shunted from office to office or being told to fill out yet another form. He needs and has a right to receive an answer immediately.

A similar situation should prevail when our assessments are being questioned. Tax disputes should be resolved quickly and fairly. One cannot offer to listen to a taxpayer and then make it impossible for him to be heard through the din of bureaucratic machinations.

The third element is the elimination of as much red tape as possible. Tax administration should not revolve around the processing of paper, it has to revolve around the taxpayer. However, I am well aware some such processing cannot be avoided, given the complexities of most legislation as well as of human nature. Nevertheless, I believe paper should be kept to a minimum, forms should be simple and clear, and the bulk of the work should be placed upon us rather than upon the taxpayer.

Mindful of the elements of good service, and the needs of those with whom we do business, Mr. Speaker, my ministry has taken action on three main fronts. First of all, we have completely reorganized our tax bulletin program. We have adopted a new format which is easier to read, with an emphasis on clarity of language, timeliness and facts. Every attempt has been made to eliminate jargon without losing the substance of the message.

In the case of the corporations tax, we have changed to a series of bulletins which cover general information, technical interpretations and procedures. The new format of our bulletins appears to have been well received, judging by letters and comments which have come into our office.

Our next development on this front has been the provision of a binding advance

ruling service for corporate taxpayers. Since April, information on how to obtain a binding advance ruling from my ministry on a specific transaction has been available to corporations. This new service is designed to deal primarily with cases in which Ontario's tax differs from Ottawa's.

I am pleased that in setting this new procedure in place we have managed to hold red tape to a minimum. In formulating the advance ruling service, my ministry was assisted for the first time by our new tax advisory committee. As I have already reported to this House, Mr. Speaker, the contribution of the committee and its individual members has been enormous and I look forward to further fruitful consultation with its members.

Much has been said recently concerning the need for tax simplification. For example, it has become a major issue for the United States federal administration. I would like to take this opportunity to recommit my ministry to the objective of tax simplification.

We have taken major steps on the procedural front, as I have already pointed out. However, there are limits as to how much can be achieved through procedural change. Eventually, the statutes themselves must be examined. This is necessarily a slow and deliberate process for a number of reasons.

Governments in general, including the government of Ontario, are relying increasingly on various tax policies as a way of achieving social and economic policy objectives.

Mr. Laughren: Yes, with regressive taxes.

Hon. Mrs. Scrivener: These goals are achieved in a number of ways—differentiated rates, inclusions in the tax base, exclusions from the base—

Mr. Laughren: Reverse.

Hon. Mrs. Scrivener: —write-offs at various rates, and special allowances for actions within a certain time frame. But all of these, by their very definition, add complexity to the statute involved.

Procedural change is one solution to the problem of tax simplification, and I have already outlined some of our steps in that direction. The other is legislative overhaul.

As you are aware, Mr. Speaker, the Ontario Corporation Tax Act closely follows the Income Tax Act of Canada. The exceptions relate to matters concerning the tax policy of the Ontario government.

Since 1972, there have been at least five major amendment bills by the federal government to the Income Tax Act. Even though Ontario paralleled more than 95 per cent of

these changes as they affected corporations, it was still necessary for Ontario to produce large amendment bills to give effect to the parallels. You will gain some idea of the extent of the changes when I tell you since 1972 these various amendment bills have given effect to over 1,000 amendments.

As was pointed out at the recent conference of the Canadian Tax Foundation here in Toronto, constant changes in the statutes, particularly the Income Tax Act of Canada, are a source of continuing problems for the taxpaying community. Similar volumes of change in the Ontario Corporations Tax Act only serve to aggravate the situation.

The bill we have before us today contains, among other items, provisions to correct this situation. In the future Ontario will automatically tie into the Income Tax Act of Canada unless the government chooses to differ.

There are several benefits to this approach. First, there is certainty. Taxpayers will know that where the law is supposed to be the same, it will be the same. Second, all intended differences between provincial and federal law will be highlighted. Thirdly, the number of legislative amendments required should be drastically reduced.

The end result will be a reduction in bulk in the statute and an increased comprehension of the statute. Consequently, I think a significant increase in ease of compliance with, and administration of, the statute will follow.

This bill contains two other major amendments to the Act, aside from the general simplification procedures.

This bill contains provisions to give effect to the tax aspects concerning venture investment corporations. Venture investment corporations, or VICs, were first proposed in 1974 as a means of encouraging the accumulation of venture capital to finance high risk or emerging small businesses.

One of the biggest stumbling blocks for the individual entrepreneur is access to adequate reasonable cost financing. By offering a tax deferral we hope to encourage the large corporations to finance smaller ones, while at the same time ensuring that the large corporations do not control the small ones.

Briefly a venture investment corporation is one registered under the Venture Investment Corporation Registration Act, which was approved by this Legislature in the last session. This Act provides the terms under which a company may be registered as a

VIC. Some of the characteristics of a VIC are as follows:

A majority of the directors must be resident Canadians;

The objects of the corporation must require that its sole purpose is to assist small business development through the provision of financing and business and managerial expertise;

Within the first two years of operation the VIC must have 80 per cent of its assets invested in small business;

Ninety per cent of the assets of the small business must be in Ontario;

The VIC cannot hold more than 40 per cent of the equity shares of the small business.

All investments by a VIC must be at arm's length of its shareholders, officers and directors.

Originally it was our hope that the federal government would join Ontario in this effort to assist small business. While it is sympathetic, the federal government is not prepared to join the proposal, therefore Ontario must provide the necessary tax incentives alone. This bill provides the tax provisions necessary to make the VIC concept operate.

Under the provisions of this bill, a corporation investing in a registered venture investment corporation will be permitted to deduct 250 per cent of its investment from its taxable income, with provision to carry any unused deduction forward against future income. I hasten to point out that this method operates as a tax deferral, not a permanent deduction.

When the shares of the VIC are sold, or the VIC ceases operation for any other reason, 250 per cent of the proceeds of the sale must be included in the investor's income in that year. Any profit on the original investment will be taxed in the hands of the corporate investor as capital gains. Capital losses will not be allowed, since the total original tax deferral will not be recovered in a lost situation. Venture investment corporations themselves will be subject to the Corporations Tax Act at regular rates, as well as the paid up capital tax.

In this way we hope to encourage the formation of venture capital pools to assist our small business community, a community which forms a vital thread in the social and economic fabric of Ontario.

This bill also contains several significant administrative changes to the Corporations Tax Act, which are in tune with the general theme of tax simplification. These are de-

signed to reduce pointless duplication of effort by the taxpayer and to remove certain rigidities in the appeal procedure.

In line with the proposal to tie-in with federal income tax provisions wherever possible, corporations may settle their objections to Ontario reassessments, based on federal reassessment at the same time and on the same basis as they settle their federal objections. This new procedure will eliminate the filing of duplicate tax forms and will reduce time spent in negotiating with each of two tax jurisdictions on the same issues.

In addition, extensions of time for filing notices of objections and notices of appeals will be available in extenuating circumstances. Some corporations have previously lost their right to object to or appeal Ontario reassessments because, due to circumstances beyond their control, they have missed the deadline for filing formal notices of their intention to object or to appeal—

Mr. Speaker: Will the hon. minister find an appropriate place to interrupt her remarks? You have a page and a half?

Mr. Laughren: It is too late now.

Mr. Foulds: Carry on.

Mr. Speaker: Is it agreed that she be allowed to complete it?

Agreed.

Hon. Mrs. Scrivener: Thank you.

And, in future, corporations will no longer be required to post security for the cost of appeal.

Mr. Roy: Great stuff for your dinner.

Mr. Foulds: It may be indigestible afterwards.

Hon. Mrs. Scrivener: Finally, Mr. Speaker, the period for which lien clearances must be obtained where real estate is being sold will be reduced to five years. This period will remain constant in the future so the need to periodically update this provision will be eliminated.

This bill is the first legislative step in our tax simplification program. Indeed, it is the first undertaking of its kind in any tax jurisdiction in Canada. As such, it is the product of months of research, review and consultation.

I think it is gratifying to know that this bill has been very well received in the tax community, both as a desirable administrative policy and as a technically sound bill. Indications are that the federal government has already received the bill positively, and is satisfied as to the technicalities of the bill.

I hope to be able to apply a similar approach to other complex statutes; specifically, I believe we should simplify the Succession Duty Act and the Retail Sales Tax Act.

In conclusion, I believe that this Act to amend the Corporations Tax Act, 1972, represents a significant step forward in the tax simplification process. It will make it easier for both the administration and, more importantly, the taxpayer to fulfil our respective obligations. I am sure that all members of this Legislature will wish to join me in supporting this bill.

Mr. Laughren: Don't push your luck.

Hon. Mr. Brunelle: Mr. Speaker, may I ask the House for unanimous consent to revert to motions—a short motion?

Agreed.

MOTION

Hon. Mr. Brunelle moved that the supplementary estimates of the Office of the Assembly be referred to the standing general government committee.

Motion agreed to.

Mr. Speaker: The first speaker at 8 o'clock will be the hon. member for Beaches-Woodbine.

The House recessed at 6:03 p.m.

APPENDIX

(See page 2398)

Answers to questions were tabled as follows:

42. Mr. Reid—Inquiry of the ministry: Would each minister advise the number of people employed by his ministry as public relations and information officers; the total budget for that branch of his ministry; how much is allotted for salaries, advertising, and other expenses? Would the Minister of Energy (Mr. J. A. Taylor) advise the number of people employed by Ontario Hydro as public relations and information officers; the total budget for that branch; how much is allotted for salaries, advertising and other expenses? Please indicate as of November 1, 1977. [Tabled November 15, 1977.]

Answer by the Chairman, Management Board of Cabinet (Mr. Auld):

As the above question requires additional time to obtain the information requested, I am providing an interim reply, notifying you that an answer will be available within 28 calendar days.

38. Ms. Bryden—Inquiry of the ministry: Will the Minister of Culture and Recreation (Mr. Welch) provide the following information relating to all Wintario grants and/or commitments made since the inception of the Wintario grant program to private clubs and/or organizations which charge annual dues in excess of \$35 per member: 1. Name and address of club or organization. 2. Purpose of grant and/or commitment. 3. Amount of grant and/or commitment and what percentage of total cost of facility, equipment or program it represents. 4. Date of grant and/or commitment. 5. A copy of any undertakings by letter or written agreements between the minister and the club or organization setting forth the precise details of public access to be provided by each club or organization, including the facilities and programs open to the public, the hours that such facilities and programs are open to the public, the methods of publicizing such public access, the cost to non-members for the use of the facilities or participation in the programs either in the form of an hourly or daily charge or a casual or limited membership, and the estimated number of such persons who will use the facilities or participate in the programs. 6. The initiation, annual dues and other compulsory levies charged by the club or organization for full membership. 7. A copy of any bylaws or written rules of the club or organization which limit the number of full members who may be accepted in any year or

which require that applications for membership accompanied by the required dues are subject to approval by any member or members of the club or organization. 8. An outline of the methods to be adopted by the ministry for monitoring and enforcing adherence to the undertakings or agreements guaranteeing public access. [Tabled November 7, 1977.]

Answer by the Minister of Culture and Recreation (Mr. Welch):

In accordance with the Legislative Assembly of Ontario standing orders, page 18, questions by members; standing order 27(i); sessional order 10(a) and (b): Please be advised that question 38, order paper 28, will be costly and time-consuming to prepare. If Ms. Bryden desires to pursue the question further the ministry will co-operate in making available to her any files she may wish to review.

43. Mr. Reid—Inquiry of the ministry: Would the Premier (Mr. Davis) advise what Mr. Keith Martin was paid to do an independent study of the government's information services. What recommendations have been accepted by the Premier's office. [Tabled November 15, 1977.]

Answer by the Premier (Mr. Davis):

(1) Mr. Keith Martin was paid \$10,000 to cover a seven-month period from April 1, 1977 to October 31, 1977 to research, write and follow up on a report on government information services.

(2) The Premier's office has accepted the underlying theme of the report that more co-operation should be achieved among existing information services and that a shared arrangement on some services is both desirable and feasible. A committee with representation from various ministries of the government has been formed to develop specific responses to questions and recommendations raised by the Martin report. This committee was formed following a meeting on November 4 of information directors and/or deputy ministers from all ministries to discuss the report.

44. Mr. Makarchuk—Inquiry of the ministry: 1. What was the total amount paid to Albert Emid and J. Findlay Sleight in salary, educational assistance, UIC and OHIP when they were dismissed by the Ontario Educational Communications Authority? 2. What other payments were made by OECA for tax purposes, pension plans, unemployment insurance and reimbursement to the Unemployment Insurance Commission? 3. What was the

lump sum payment made to the two producers? 4. What was the total cost of legal fees paid to a law firm when the matter of their dismissal was before the Ontario Labour Relations Board? 5. What was the total sum of money spent on salaries, negotiated settlement and legal fees for the dismissing of the two producers? 6. What work did these people do during the period of time for which they were compensated? [Tabled November 15, 1977.]

Answer by the Minister of Culture and Recreation (Mr. Welch):

1, 2, 3. Albert Emid and J. Findlay Sleigh were originally terminated by the OECA on November 14, 1975. These two terminations stemmed from financial constraints being faced by OECA at that time and were part of a number of cutbacks which included the termination of other employees as well.

The Ontario Labour Relations Board, in a decision dated November 8, 1976 directed that OECA reinstate both these individuals. As they could not be productively employed, a negotiated settlement for final termination was struck.

The financial data is as follows:

Salary to date of final termination: F. Sleigh \$26,859.77; A. Emid \$22,594.96; reimbursement for educational assistance: F. Sleigh \$150.00; A. Emid \$200.00; reimbursement for OHIP payments: F. Sleigh \$215.00; A. Emid \$99.50; reimbursement for outstanding expense account: F. Sleigh nil; A. Emid \$70.00; total: F. Sleigh \$27,224.77; A. Emid \$22,964.46.

Severance pay paid Nov. 14, 1975: F. Sleigh \$1,425.88; A. Emid \$1,199.74; severance pay paid Feb. 25, 1977: F. Sleigh \$16,574.12; A. Emid \$16,300.26; total: F. Sleigh \$18,000.00; A. Emid \$17,500.00.

The authority made the following contributions for the period that Mr. Emid and Mr.

Sleigh were in receipt of salary: Employer's contribution to CPP, F. Sleigh \$135.00; A. Emid \$135.00; employer's contribution to UIC, F. Sleigh \$221.10; A. Emid \$221.10; Total: F. Sleigh \$356.10; A. Emid \$356.10.

No payments were made to Mr. Sleigh for tax purposes, pension plans or unemployment insurance. Mr. Sleigh received a \$3,400.16 refund on his contributions to the pension plan. He had deducted from his salary payments of \$7,867.43 for income tax, \$5,904.00 to reimburse the Unemployment Insurance Commission for benefits received, \$135.00 for CPP contributions and \$221.00 for UIC premiums.

No payments were made to Mr. Emid for tax purposes, pension plans or unemployment insurance. Mr. Emid received a \$3,468.50 refund on his contributions to the pension plan. He had deducted from his salary payments of \$6,589.34 for income tax, \$6,273.00 to reimburse the Unemployment Insurance Commission for benefits received, \$135.00 for CPP contributions and \$221.10 for UIC premiums.

4. Approximately \$17,150 was paid to the firm of Mills & Mills to cover all the legal expenses relating to the dismissal of Al Emid and Findlay Sleigh during the period from January 1976 to June 1977. This covers the initial response to the charge as placed before the OLRB, the preparation for the Examination, the Examination itself, the preparation for the Hearing, the Hearing itself, and the negotiations leading to final settlement.

5. Total salaries and benefits \$50,901.23; settlements \$35,500.00; legal expenses \$17,500.00; total \$103,551.23.

6. From the date of original termination, November 14, 1975, Mr. Emid and Mr. Sleigh did not perform any duties for the OECA. As noted on the response to earlier questions, their particular skills were no longer required.

CONTENTS

Tuesday, November 29, 1977

Boundary proposals in the Robarts, Archer and Mayo reports, statement by Mr. McKeough	2379
Citizen complaints and police discipline review board, statement by Mr. MacBeth	2380
Condominium legislation, statement by Mr. Grossman	2382
Boundary proposals, questions of Mr. McKeough: Mr. S. Smith, Mr. Warner, Mr. Roy, Mr. Elgie	2383
Police access to OHIP data, questions of Mr. Timbrell: Mr. S. Smith, Mr. Lewis, Mr. Deans, Mr. Reid, Mr. Duksza, Mr. Roy	2384
Point of privilege re minister's answer, Mr. McClellan	2387
Psychological testing of police, questions of Mr. MacBeth: Mr. Lewis	2387
Use of influence, questions of Mr. MacBeth: Mr. Cunningham	2388
Nursing homes, questions of Mr. Timbrell: Mr. Warner	2388
Liquor advertising, questions of Mr. Grossman: Mr. Baetz, Mr. Conway, Mr. Makarchuk	2388
Use of medical data, questions of Mr. Timbrell: Mr. Deans, Mr. Roy	2389
School construction, questions of Mr. Wells: Mr. Van Horne	2391
Licence fees, questions of Mr. Snow: Mr. Germa, Mr. Reid	2391
Lot levies, question of Mr. McKeough: Mr. Epp	2391
Assistance to pensioners, questions of Mr. Norton: Ms. Bryden	2392
Police access to OHIP data, questions of Mr. Timbrell: Mr. Bolan	2392
Sault jail, questions of Mr. Drea: Mr. Wildman, Mr. Sargent	2393
Resource equalization grants, questions of Mr. McKeough: Mr. Bradley	2393
Facilities for retarded, questions of Mr. Norton: Mr. McClellan	2393
Glendale Training Centre, questions of Mr. Drea: Mr. G. I. Miller	2394
Facilities for disturbed children, questions of Mr. Norton: Mr. Foulds	2394
Edwardsburgh land assembly, questions of Mr. Brunelle: Mr. Conway	2395
Retail store hours, questions of Mr. MacBeth: Mr. Samis, Mr. Breithaupt	2395
Management study, question of Mr. Norton: Mrs. Campbell	2395
Inco emissions, questions of Mr. Kerr: Mr. Laughren	2395
Point of privilege re police access to OHIP data, Mr. Conway	2395
Point of order re redress on point of privilege, Mr. Nixon	2396
Point of order re interpretation of sessional order 4, Mr. Warner	2396
Point of order re redress on point of privilege, Mr. Lewis	2397
Presenting petition by Government of Ontario employees, Sudbury district, Mr. Germa ..	2397

Report, standing committee on social development, Mr. Villeneuve	2397
Report, standing committee on resources development, Mr. Havrot	2397
Motion re supplementary estimates for Ombudsman, Mr. Welch, agreed to.....	2397
Highway Traffic Amendment Act, Mr. MacBeth, first reading	2398
Police Amendment Act (1), Mr. MacBeth, first reading	2398
Police Amendment Act (2), Mr. MacBeth, first reading	2398
Condominium Amendment Act, Mr. Grossman, first reading	2398
Election Amendment Act, Mr. Breithaupt, first reading	2398
Notice of dissatisfaction re answer to oral question on nursing homes, Mr. Warner	2398
Tabling answers to written questions 38, 42, 43 and 44, Mr. Welch	2398
Sandwich, Windsor and Amherstburg Railway Act, Mr. McKeough, second and third readings	2398
Assessment Amendment Act, Mrs. Scrivener, on second reading	2399
Transmitting supplementary estimates, the Honourable the Lieutenant Governor	2408
Assessment Amendment Act, Mrs. Scrivener, second reading	2408
Motion to withdraw Bill 49, Municipal Elections Act, Mr. McKeough, agreed to	2416
Corporations Tax Amendment Act, Mrs. Scrivener, on second reading	2416
Motion re supplementary estimates, Mr. Brunelle, agreed to	2419
Recess	2419
Appendix, answers to written questions	2420

SPEAKERS IN THIS ISSUE

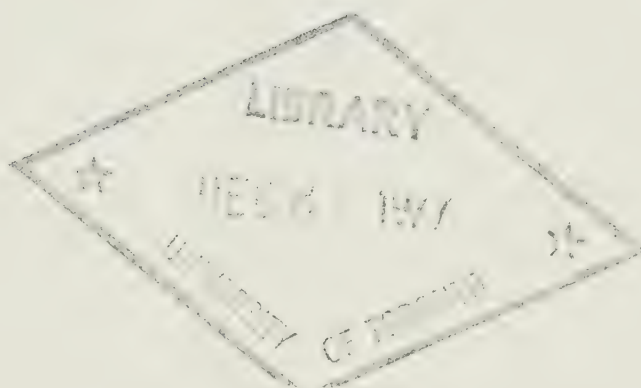
Baetz, R. C. (Ottawa West PC)
Blundy, P. (Sarnia L)
Bolan, M. (Nipissing L)
Bounsall, E. J. (Windsor-Sandwich NDP)
Bradley, J. (St. Catharines L)
Breaugh, M. (Oshawa NDP)
Breithaupt, J. R. (Kitchener L)
Brunelle, Hon. R.; Provincial Secretary for Resources Development (Cochrane North PC)
Bryden, M. (Beaches-Woodbine NDP)
Campbell, M. (St. George L)
Charlton, B. (Hamilton Mountain NDP)
Conway, S. (Renfrew North L)
Cunningham, E. (Wentworth North L)
Davidson, M. (Cambridge NDP)
Deans, I. (Wentworth NDP)
Drea, Hon. F.; Minister of Correctional Services (Scarborough Centre PC)
Dukszta, J. (Parkdale NDP)
Eaton, R. G. (Middlesex PC)
Edighoffer, H.; Deputy Speaker (Perth L)
Elgie, R. (York East PC)
Epp, H. (Waterloo North L)
Germa, M. C. (Sudbury NDP)
Gigantes, E. (Carleton East NDP)
Grossman, Hon. L.; Minister of Consumer and Commercial Relations (St. Andrew-St. Patrick PC)
Haggerty, R. (Erie L)
Havrot, E. (Timiskaming PC)
Hodgson, W. (York North PC)
Kerr, Hon. G. A.; Minister of the Environment (Burlington South PC)
Laughren, F. (Nickel Belt NDP)
Lewis, S. (Scarborough West NDP)
MacBeth, Hon. J. P.; Provincial Secretary for Justice and Solicitor General (Humber PC)
Makarchuk, M. (Brantford NDP)
Mancini, R. (Essex South L)
Martel, E. W. (Sudbury East NDP)
McClellan, R. (Bellwoods NDP)
McKeough, Hon. W. D.; Treasurer, Minister of Economics and Intergovernmental Affairs (Chatham-Kent PC)
Miller, G. I. (Haldimand-Norfolk L)
Newman, Hon. W.; Minister of Agriculture and Food (Durham-York PC)
Nixon, R. F. (Brant-Oxford-Norfolk L)
Norton, Hon. K.; Minister of Community and Social Services (Kingston and the Islands PC)
Peterson, D. (London Centre L)
Reid, T. P. (Rainy River L)
Rhodes, Hon. J. R.; Minister of Housing (Sault Ste. Marie PC)
Roy, A. J. (Ottawa East L)
Ruston, R. F. (Essex North L)
Samis, G. (Cornwall NDP)
Sargent, E. (Grey-Bruce L)
Scrivener, Hon. M.; Minister of Revenue (St. David PC)
Smith, S.; Leader of the Opposition (Hamilton West L)
Snow, Hon. J. W.; Minister of Transportation and Communications (Oakville PC)
Stokes, Hon. J. E.; Speaker (Lake Nipigon NDP)
Swart, M. (Welland-Thorold NDP)

Timbrell, Hon. D. R.; Minister of Health (Don Mills PC)
Van Horne, R. (London North L)
Warner, D. (Scarborough-Ellesmere NDP)
Welch, Hon. R.; Minister of Culture and Recreation, Deputy Premier (Brock PC)
Wells, Hon. T. L.; Minister of Education (Scarborough North PC)
Wildman, B. (Algoma NDP)



Legislature of Ontario Debates

Official Report (Hansard)
Daily Edition



First Session, 31st Parliament

Tuesday, November 29, 1977

Evening Sitting

Speaker: Honourable John E. Stokes

Clerk: Roderick Lewis, Q.C.

CONTENTS

A list of the speakers taking part in the debates in this issue of Hansard appears, in alphabetical order, at the back of this issue.

Daily contents of proceedings also appears at the back of this issue. Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff. (Phone 965-2159)

Hansard subscription price is \$15.00 per session, from: Sessional Subscription Service, Printing Services Branch, Ministry of Government Services, 9th Floor, Ferguson Block, Parliament Buildings, Toronto M7A 1N3. Phone 965-2238.

Published by The Legislative Assembly of the Province of Ontario.
Editor of Debates: Peter Brannan.

LEGISLATURE OF ONTARIO

TUESDAY, NOVEMBER 29, 1977

The House resumed at 8 p.m.

CORPORATIONS TAX AMENDMENT ACT

(concluded)

Resumption of the debate on the motion for second reading of Bill 88, An Act to amend the Corporations Tax Act.

Mr. Speaker: When we rose at 6 o'clock, the hon. member for Beaches-Woodbine was about to hold the floor.

Ms. Bryden: I would like to thank the Liberal critic for yielding his position to let me speak following the minister, since I have a rather important engagement tonight connected with my environmental critic responsibilities. I will carry on; the Liberal critic will follow. I'd like to thank him and his colleagues for the courtesy.

This amendment to the Corporations Tax is a rather important bill, because it introduces a new principle, the principle of automatically opting in to federal tax changes in the corporate tax field.

In the past, Ontario has opted in only by bringing in its own legislation, varying the federal tax in such legislation to the extent it desires. But now we will be automatically opted into any federal tax changes unless we introduce specific legislation to vary that federal legislation. So, it is a sort of lock-step principle we are adopting on federal corporate taxation.

I find it a bit surprising to see such unanimity of policy between the Liberals at Ottawa and the Conservatives at Queen's Park. But perhaps it's not surprising when we consider the field we are talking about is the treatment of corporations. They both appear to have, basically, the same philosophy with regard to the taxation of corporations. That is to design a tax system which favours the corporations and puts more and more of the burden on the average individual taxpayer and on regressive taxes such as user charges, property taxes, even motor vehicle licence fees which in the next two months are going up sharply in southern Ontario.

Mr. Haggerty: In southern Ontario?

Ms. Bryden: A great many people in southern Ontario who will be noticing that.

Both the Ottawa government and the Queen's Park government have been taking a smaller and smaller percentage of their revenues from the corporations in the past decade. In Ontario, the figure has dropped from 17.5 per cent of total revenues in 1965-66 to about 10.4 per cent now.

This adoption of the lock-step legislation also indicates the acceptance by both governments of the current thrust of federal tax legislation, which follows the outdated and discredited philosophy that the way to stimulate the economy is to give large tax concessions to the corporations. Fast write-offs, concessions to resource industries and inventory allowances have not stimulated the economy. They have simply stimulated corporation profits.

A recent survey by the Canadian Dow Jones showed that corporation profits for 128 companies surveyed went up by 17 per cent in the third quarter of 1977 compared to a year ago. That's a lot higher rate of increase than the six per cent that's being allowed to wage earners in this year.

This represents the sixth quarterly gain in corporate profits. At the same time we have faced the highest unemployment rate in history, and shocking deficits at both levels. These governments should be looking for tax revenue where the money is, and using that money for direct job creation to prime the pump by tax reductions for the low and middle income groups.

I have pointed out before in this House that Ontario's corporation tax rate hasn't been increased since 1967, over 10 years. We are below four other provinces in the rate of tax at 12 per cent. In fact, only Prince Edward Island and Alberta are below us, and we know that Alberta collects large amounts of revenue from oil and gas licences and royalties.

There are some questions I would like to ask as to the effects of this lock-step stance which the bill effects. The first question is whether we need a separate corporation tax administration, if we are going to be in such close conformity to the federal Act. What is the present cost of our corporations tax administration, since in the estimates it is lumped in with several other tax collection operations? I would like to ask the minister,

will there be any savings from this simplification of the Corporations Tax Act and of the forms that have to be filled out?

We might say that the cost of operating our own corporations tax administration is justified if we are going to make use of the opportunity to vary our tax from the federal tax on matters of significant principle, but at the moment I don't see much desire on the part of this government to do so. However, perhaps it's wise to keep that option open so as to keep the administration in place for the time when the NDP takes over.

In the meantime this bill is certainly welcome in that it simplifies the operation of the tax. Everybody likes a reduction in form filling. It also saves the time of the Legislature, since we would not have to put through numerous amendments to the Act every year to conform to the federal Act. But, of course, it makes it more difficult for this Legislature to monitor our tax system and to vary it. In fact, it may be there will be a feeling with this sort of joint corporations tax that one should not tinker with it, except on matters of very great importance, if we are unhappy with certain clauses we will hesitate to ask the federal government to change them.

It may also reduce our bargaining powers with the federal government if they know that anything they enact we will automatically enact, unless we are willing to introduce a special bill to set that aside. On the other hand, it might increase our bargaining power in that the federal government will be more hesitant to make changes when it knows that every change it makes is automatically enacted in Ontario by virtue of this bill.

It may mean less consultation with us before tax changes. In the past, federal-provincial conferences have usually gone over proposed tax changes if they are of significance, within the limits of cabinet secrecy. Whether there will be as much consultation under this automatic opting in, I am not sure.

The minister in her opening remarks on the bill mentioned the taxation advisory committee which had given her considerable assistance in the drafting of this bill. It is a good idea to consult outside people, but I wonder whether it should be just people who are connected mainly with the business world, or who work with business corporations. She mentions the Canadian Bar Association, the Institute of Chartered Accountants, the Tax Executives Institute, and I think there was one other group.

Hon. Mrs. Scrivener: The Canadian Federation of Independent Business.

Ms. Bryden: Oh yes, thank you, Madam Minister. The Canadian Federation of Independent Business. It seems to me corporation tax is not just for the corporation; it's for the raising of revenue in this province. If you are going to consult people outside, you should also consult the Consumers' Association of Canada. You might also consult a distinguished economist such as Gordon Milling, who is head of the research department of the United Steelworkers, or John Eleen, the Ontario Federation of Labour's economist.

I wanted to ask the minister whether this bill brings into effect the three per cent inventory valuation adjustment which the provincial Treasurer announced in his 1977 budget. This was supposed to compensate, to some extent, for the effects of inflation on inventories. There is a lot of controversy about inflation accounting. I understand this particular change in the budget was not brought in last July when the other tax changes were being brought in because Ontario had a committee investigating the whole question of inflation accounting. Now that committee has reported, I am not sure whether this bill has brought in that part of the Treasurer's proposals in the budget.

The report of the committee on inflation accounting concluded that adoption of a comprehensive method of inflation accounting or current value accounting is not appropriate at this time. However, as an interim measure, it did suggest corporations might, as a supplement to their annual reports, disclose what they considered their accounts expressed on an inflation basis. This was to be as a supplement to their conventional financial statement to enable people to look at both figures as an aid in decision-making and policy development.

It is rather notable that the committee did not suggest the adjusted results should be reflected in a revised treatment of business income for tax purposes. For that reason, I am curious to know if the government has moved any further in that field.

In a minority report to the report of the committee on inflation accounting, Gordon Milling, the Steelworkers' economist, raised serious questions about inflation accounting as favouring the corporate sector with a special degree of inflation compensation not enjoyed by the average taxpayer or wage earner. I would hope we are not moving ahead with that inventory valuation adjustment.

My colleagues are going to deal with some

of the other aspects of this bill, such as the introduction of the allowance for venture investment corporations and some of the other details, so I think those are the main remarks I wanted to make.

[8:15]

Mr. Haggerty: I want to touch upon certain areas of An Act to amend the Corporations Tax Act, 1972. Any form of income tax, whether it be corporations tax or personal income tax, has always provided a difficult area for many individuals or even experts to understand fully.

The purpose of this bill and its 28 amendments is to bring forward provincial tax laws to parallel the federal tax changes, and any amendments that may be forthcoming in the tax changes. It is to dovetail provincial legislation with federal laws. If there is a disagreement from the Ministry of Revenue, changes will then be made separately, otherwise the bill will automatically apply to any federal legislation, as I understand the Act.

It is a streamlining process making legislation easier for the public to understand. There are certain areas in which the bill doesn't coincide or parallel the federal legislation. One is the management fee, I guess it is; election contributions; and the deduction for advertising on foreign communications media, such as television and radio.

There is another area I want to deal with in more detail. It relates to the area of VIC. This particular area is an area I'm not quite sold on. I don't think we know enough about or understand this particular section of the bill. It's the section that includes the venture investment corporations.

At this stage the ministry is asking the Legislature to give final approval to its proposal introduced in the last provincial budget. The legislation to permit the incorporation of a venture investment corporation was going to be passed into law this year, in 1977, to be proclaimed on January 1, 1978. It's almost like rubber-stamping legislation that's already been passed.

The intent of this particular section of the bill is to put new life into, and to assist, small business corporations. It relates to risks taken and certain tax breaks that follow. Looking at it in more detail, I find all the bill relates to me is it's a tax deferment for the larger corporations.

As I said before, I'm not solely convinced this is going to give new life to our economy. We do need employment and job creation.

During her estimates the minister was asked a question concerning this particular section of the bill. One of her staff indicated

the purpose of the bill was, in short, that any corporation investing in a venture investment corporation will be able to deduct an amount which is equal to 250 per cent of its investment in a VIC at 12 per cent, which is the corporate income tax rate, in computing its income tax. That particular deduction is worth 30 per cent in terms of tax rate to the corporation. Instead of getting 12 per cent, which is the normal corporate rate of any kind of deduction in computing income, they can actually claim a 30 per cent tax rate for their investment in a VIC. So you can see, it could be a substantial tax deferment program for large corporations. Quoting from page six of the submission to the Royal Commission on Corporation Concentration by the Association of Canadian Venture Capital Companies—apparently they have done some study in this area:

"The Canadian venture capital industry seems to be moving away from financing new products and technologies. Most venture capitalists currently have a diminishing interest in start-ups. A survey of the members of our association indicates that newly started companies represent only 11 per cent of the total venture capital invested in 1974 . . ."

I believe 1974 was when the Treasurer (Mr. McKeough) had the brainwave to introduce this particular piece of legislation. For some unknown reason it was tabled or not brought forward.

The report goes on to say: ". . . invested in 1974 and 18 per cent 1975. Sixty per cent of the funds invested by our industry in 1974 and 70 per cent in 1975 went into the development and expansion of already existing corporations, with almost 50 per cent of such companies so funded already having received funds from the venture capitalist . . . in other words, a significant percentage of the Canadian venture capital industry's activities is currently being devoted to keeping going those companies representing the venture capitalists' better investment." There is also evidence ". . . that weak investments are being abandoned more quickly by Canadian venture capitalists.

"Problems currently facing the Canadian venture capital industry: Venture capitalists are probably involved in the riskiest and most difficult segment of the investment world. They have traditionally been willing to take risks on all kinds of unknowns—new concepts, technology, and often unproven management.

"Yet, as indicated in the previous section, there is a distinct trend away from the higher

risk end of the venture capital spectrum towards more conservative second, third and fourth round financing in more established, sometimes even public, companies.

"Of further concern is the erosion of the Canadian venture capital industry itself. In the past five years, there have been more withdrawals than new entrants of pools of venture capital in Canada. Some of the more significant and, in certain instances, more successful venture capital companies that had operated in Canada have or are in the process of withdrawing: Charterhouse Canada Limited (backed by an English merchant bank); Guardian Venture Limited . . ." There's a list of them, about seven or eight—"International Capital Corporation (Royal Bank of Canada; IAC; United Corporation); a division of MacMillan Bloedel Limited."

He goes on to say: "The flow of funds to small business has also been acutely curtailed because the individual investor, as well as the larger family pools of capital, have virtually abandoned the equity markets. Not only are such investors almost totally absent from the purchase of common stock of public companies but also from any equity-related financing of private Canadian business entities. The following statistics reinforce the collapse of the new issue market for growth companies . . ."

And the list goes from 1968—the number of issues in the United States were 358; in Canada it was 54. The boom year was 1969; apparently a number of them entered into agreement: there were 698 issues in the United States and 150 in Canada. But by 1975 it had gradually dropped; in the United States there were four issues; in Canada, two.

It goes on to say: "This reduction of risk and expansion capital directed to start-up or junior growth companies has become an acute problem and threatens to have a serious adverse impact on the future economy of our nation. It is not so much that the capital isn't available, but rather that the risk of such investments have increased immeasurably without a concomitant augmentation of the rewards.

"The major reasons for this are:

"1. Many investors in private and public small and medium-sized companies in the 1960s undertook such activity with little sophistication. Improper in-depth research of the quality of investment and subsequent inability to monitor such investments led to many investors being badly burnt. This was not confined solely to Canadian investors.

"2. The implementation of capital gains

tax in Canada, effective January 1, 1972, lowered significantly the potential net after tax returns on risk investment."

I'm sure the minister has that particular section in the bill, where the persons investing in a VIC over a period of five to seven years perhaps—that's the length of the investment, the experts tell me—if there's any profit to be made, it can be related to capital gains tax.

Then in the report by the Ministry of State for Science and Technology, entitled, "The Availability of Risk Capital for Technological Innovation and Invention in Canada," on page 47, on the venture capital industry it states: "Of 79 firms surveyed, 77 of which were contacted, all of whom either are or were active in making venture capital investments over the past three years, only 46 were found to be 'active' or 'semi-active' in the field in Canada today. This includes several recently founded companies.

"The venture capital industry in Canada is far more conservative than generally thought by those outside the financial community, allocating some 95 per cent of its funds and effort to developing existing business rather than funding start-ups. It is estimated that 33 (77 per cent) of the 46 firms reporting fall into the 'conservative or very conservative' category, with 72 per cent of the reported funds available for investment in their hands. Of the balance, only some two per cent of the total available funds reported is handled by the three firms (six per cent) classified as 'aggressive.'

"The majority of existing venture capital firms are operating with a small current capital availability. Of the 46 firms deemed active in the field, 30 (65.2 per cent) report \$1 million or less currently available for investment.

"Venture capital firms appear to have a life cycle, probably from five to seven years, unless heavily funded initially, or are in receipt of a regular injection of new capital. Therefore, it is essential to encourage the formation of new venture capital companies or cause funds to be injected into existing venture companies, if the industry is to remain an important supplier of high risk capital. (Fifty-nine per cent of the firms surveyed in a 1971 study are now inactive in the venture capital field.)"

After reading those two reports I wonder why the minister is bringing forth this particular bill, or why even the Treasurer is introducing the VIC program in Ontario. It's not going to produce a job creation program. It's not going to produce an upswing in the economy in Ontario. So one would have to

question the reason for bringing forth such legislation. It may improve some areas of the economy, but I don't think it's going to do the job the people of Ontario are looking forward to.

We've seen where we've allowed industry certain tax concessions. We see it in the resource allowance. We see it in the depletion allowance sector. We see it in the capital cost allowance. We primed the private sector but for some unknown reason the economy isn't moving upward.

We've seen the Treasurer bring in tax credits for production machinery in the province of Ontario. We haven't seen any jobs that were supposed to be created by this particular program. There's been no proper monitoring of such a program as it relates to job opportunities. We know that it's going to cost the Treasurer some \$160 million in lost revenue. I don't know what this particular section of the bill will cost in the loss of revenue to the province of Ontario. There's been no indication what revenue is expected by this deferment of taxes through such a program.

I hope the minister is right that it is going to bring forward an upswing in the economy, that new businesses will be started. But based upon the two articles I read to the minister, it doesn't look hopeful we're going to be moving in that direction.

[8:30]

I think the minister's going to have to look to other options to stimulate the Ontario economy. There are other areas to which the minister can give certain tax concessions. One would give power to the consumer to go out and purchase new goods, and that is a cut in the personal income tax. Some would argue it may add to inflation again. I don't think the cut would be so great it would cause that much alarm that we're going to have high inflationary cost again.

We can have a reduction in the retail sales tax. That would put some life into the economy. This was proven in the year 1975 when it was applied to the automobile industry. There was a certain loss to the Minister of Revenue but I think in the long run it kept the economy going. It kept job opportunities available for persons in the province of Ontario. I think the main concern today is about jobs. What about the unemployment situation here? What can we do to create employment in the province of Ontario?

If I'm not mistaken, I think the Treasurer suggested there would be certain tax cuts and he would cut the personal income tax providing it was subsidized by the federal

government. That responsibility lies with the Treasurer and with this minister.

I think there are other areas to which the government should be looking. I'm sure there are funds available through the province of Ontario.

The particular article I was looking for suggested the government provide measures for the small business sector of our economy. I'm talking about the working people of the province of Ontario. They should have some opportunity to invest some of their earnings in a business venture in the province of Ontario. The area I'm suggesting has proven successful in the United States. No doubt it could be successful here. This is again from a submission to the Royal Commission on Corporate Concentration.

The Association of Canadian Venture Capital Companies presented this brief on June 6, 1976. It said they should be encouraging a greater flow of capital to small and medium sized businesses which require changes in the present income tax structure. "Corporations should be permitted to deduct from taxable income a certain percentage of their annual gross payroll—it is suggested between 10 to 15 per cent—if such funds are given to an employees stock ownership trust, used for the purchase of that corporation's common stock. This would improve the liquidity in private company share transactions. An alternative way out for investments in small companies would enhance investment in such companies and the opportunity for entrepreneurs and key management to realize on their ownership interest."

I think they're suggesting through this particular comment there is an area in the province of Ontario which should be tapped.

I recall the discussions we had when I was a member of the select committee dealing with Ontario Hydro and its proposed rates in 1976, about the province, or the government, or Ontario Hydro going to the foreign market, into the United States, to borrow money. If you go to the United States and borrow a huge sum such as \$500 million or \$350 million as Ontario Hydro has done it costs Ontario taxpayers about 18 to 20 per cent interest on that borrowed money. That is money leaving this country. The interest is going over there and it's a healthy interest. I suppose that's what you can call class triple-A, isn't it? That's right. That's why we get such a good rating over there, because we're paying 18 per cent on our money. Of course, one of the reasons we're paying that is the devaluation of the Canadian dollar and the exchange in the American money.

But if you go back to the last war, millions

of dollars were raised through Canada bonds and the purchase of War Savings Certificates. You could buy them at \$5, \$10, \$50 or whatever off your payroll. A huge amount of money was raised at that time; it was simple to get money this way. In fact, in the last government bond issue some \$2.4 million was raised and it was raised at \$100 or \$50, in that area.

There is no reason why the government can't tap the private sector. I'm talking about the labour sector, the employees in industry. We know by looking at the statements of banks, trust companies and credit unions there is a wealth of money there.

By coincidence in Canada we perhaps pay more in taxes than any other country in the world. In the United States they're not taxed as heavily as we are here. Perhaps that's one of the reasons why the business sector can go out and move more openly, creating more productivity and more employment. In the States, you can purchase municipal bonds, utility bonds and there is a good break given to the average person who wants to invest in corporation bonds, the blue chip market. I'm speaking in particular of government bonds—you purchase these bonds and you're given tax-free interest.

I suggest to the government, this is the market into which we should be moving. Giving somebody tax-free interest on \$100 is not going to break this government considering what we're paying in the foreign market. That's what is hurting us more here than anything. It adds to the cost of inflation.

I suggest this is one way the government could raise money without it costing us too much. It also gives a break to the average employee in industry today, enabling him to say "I am a shareholder in the government in a sense; I am getting a break."

I can tell the minister this much, without that employee coming into the picture, this province is pretty near broke. It's almost bankrupt. It's bankrupt when it has to pay interest rates at that high a rate.

I'm not going to oppose the bill. I don't think our party is going to oppose the bill. But I don't think it goes far enough to create jobs. This is what is hurting our economy. The Premier (Mr. Davis) said that to the Prime Minister of Canada the other day on the question of unity. The matter is to get the economy rolling again. I'd have to agree with the Premier on that particular statement and this is the direction in which we should be moving, not giving these little piecemeal handouts to the large corporations which have not proven they are creating jobs according to the purpose of the legislation—any of the

legislation. There is no proper monitoring done by the government.

I notice this particular bill says it will be done jointly with the Minister of Consumer and Commercial Relations. Again, the minister may run into difficulty there if the government doesn't have the proper monitoring system.

I suggest to the minister this bill doesn't go far enough. It doesn't provide the goal of creating jobs and I suggest to the minister it's time she went back to the drawing board and brought something in here to provide that employment opportunity for Ontario citizens.

There are some particular areas I want to get into in detail in third reading, relating to the matter of exploration of gas and oil in Ontario. There's an area on which I want to question in some detail during third reading.

I see nothing wrong with the present bill as it relates to the matter of paralleling provincial legislation with the federal legislation, but again I would have to question the minister. I raised the matter during the minister's estimates that we have one collection agency for personal income tax purposes, with the federal government collecting it for the province of Ontario. If we are that close in paralleling corporation tax with the federal government and their tax schemes, then why not have one tax collector to do both jobs? I am sure we could have a saving here in manpower, in that we wouldn't have to have parties going through two different government agencies in connection with their corporation taxes.

There is another good point I like about the section that relates to the tax field, and that is if there is some dispute on assessment for corporation taxes, at least the door's open that the minister may make that correction at that level without going to the higher courts. Based on that, I will support the bill and our party will support the bill, but we say it doesn't go quite far enough.

Mr. Acting Speaker: The member for Brantford.

Mr. Makarchuk: This bill is another good example of social justice. It's social justice for the corporations, which is typical of the Tory philosophy or the intent of the whole Tory management of the province.

The big problems with all of the tax legislation that we get from this government is the fact that you still do not work to try and provide an equitable tax system for the people of this province. The net result of that is evident when you look at the distribution of income in our society. Once again

you find out that the 20 per cent of the people at the bottom, who used to get about four per cent of the national pie, are now getting slightly less; and the 20 per cent at the top, who used to get about 43 to 44 per cent, are getting a slight percentage point more. If you have a tax system in this province that was a fair tax system, that provided the regulations and legislation that would ensure that all people pay their fair share of taxation. Then you wouldn't have the kind of discrepancy and maldistribution of income you do have in society right now.

This bill has some commendable features in terms of eliminating a lot of paper work, making life easier for the accountants. Perhaps they will be able to devote more time into figuring out new ways of evading the payment of taxes; and it certainly will do that. But it really still doesn't plug the loopholes; and you still can take a trip to Hawaii on the taxpayers or charge it to your business; you can still have cars. All sorts of things, under the existing tax system, are available to people within the corporate sector which are not available to other people in the world. If you look at the people who perhaps sit in the galleries, they have to pay taxes. What we are saying is that the other people who are getting away with it should also be paying taxes. We are not saying they should be paying more, but we think they should be carrying their load.

In Canada there used to be a time, under federal legislation and provincial legislation, where people with incomes of over \$1 million were not paying one cent in income tax. Since the federal government has brought about some changes in the Act and tried to plug some of the loopholes, I think the figure now is \$600,000. There are people in this country who have incomes of that size and still get away without having to pay a cent of income tax. This bill does not try to remove those kind of unfair relationships that exist in our society.

There is a great deal of concern on the part of our party and ourselves about repatriating our economy, about having some control about what happens in our economy, and that's very important. You will find that just about any responsible group in Canada, the Economic Council of Canada, the Science Council, and everybody, will tell you that one of the reasons we can't manage this economy is because we don't control it, that all the decisions are made somewhere else. Proper tax legislation slowly but surely can move in the direction of ensuring that Canadians acquire control of their economy;

that we have a say in what happens in our economy. There are other methods; but by using tax legislation you could bring about that kind of a change. Again you do absolutely nothing on this, you allow the condition to persist. You allow the amount of foreign control of our economy to increase, you sit back and encourage it; you seem to think that this is the answer. You send your people to Hong Kong, you send them to Japan; next thing you know you will probably be sending Claude Bennett to Albania to try to get some support.

[8:45]

Mr. Foulds: Not a bad place to send Claude, as a matter of fact.

Mr. Roy: As long as he promises to stay.

Mr. Makarchuk: But instead of trying to arrange your economy through the use of tax legislation to ensure that we have control of it, you use the opposite method and you continue to try to get somebody in. They don't come into this country because they feel generous towards us or because they are feeling charitable towards this country, they come here because they know they can make a buck. They recognize the representatives who are sent out—as I said before, they can tell a mark from a distance. They know there is a province up for plunder in this country, and that is exactly what you are doing.

In the discussion of the revenue estimates with the minister, there was a great deal of argument between ourselves regarding the matter of leakage: whether the Ontario tax department adequately collected the tax that should have been payable to the people of Ontario; whether foreign or multi-national corporations were evading taxation by various means. The minister and her officials—who are sitting under the galleries over there—incidentally were really quite adamant and said, "Yes, we are collecting. We are certainly getting the money that is due the province," and so on.

I am sure the minister must have read the article in the *Globe and Mail*, which appeared about a week ago—and this was after the estimates, I may add. What is happening is that the Canadian and the United States tax authorities are starting to audit these firms. The reason they are doing that, if I may quote from this, is the fact that they feel they are getting away without having to pay taxes.

I'll quote some of the pertinent paragraphs from this article. It is a report by Mr. James Gourlay, who is the Director General of Revenue Canada tax audit division. The

writer said, "Mr. Gourlay said both countries are concerned about the tendency by multinational companies to siphon off profits from North Americans to subsidiaries in countries where there is little or no corporate income tax, such as the Bahamas, New Hebrides, Liechtenstein, Panama and Hong Kong. He said that he has no estimate of how much income tax is lost to the Canadian government as a result of profits being funnelled to tax havens. The total loss for all individuals and corporations, not just resulting from tax haven use but from all types of tax evasion, is estimated at about six per cent of the total tax collected each year. This would amount to \$1.7 billion more tax being collected in Canada each year if there was no evasion."

I may interject here that if Ontario, in a rough sense, collected one third of the tax in Canada, that would mean a fairly sizable sum of money if they didn't permit this evasion to continue.

I'll continue reading from the article: "But Mr. Gourlay said that with his 25 years of experience in tax administration, my gut feeling is that it is higher than six per cent."

Another paragraph from the same article says: "Some use of tax havens by multinational companies is legitimate under Canadian and US law. For instance, if a North American company importing a product from Asia has its stock in Hong Kong for repackaging, the profits from this can legitimately stay in the tax haven and not be taxed in Canada or the United States."

Your legislation has absolutely nothing in it to try to prevent those kinds of distortions in the tax system.

Continuing from the article: "A secondary thrust is to show that the transfer prices on purchases and sales between the multinational affiliates and the tax haven subsidiaries are out of line with arm's-length market price, and therefore are contributing to the funnelling of profits to tax havens."

"Companies also use other techniques to divert profits to tax haven subsidiaries, such as payment to them of unwarranted management, advertising, or insurance fees."

This again was brought out in the discussions we had on the minister's estimates. The minister finally agreed that yes, we did sue some people; yes, we did collect some money. But the minister refuses to acknowledge that there is leakage from our tax system, that we are not collecting the legitimate tax that belongs to the people of Ontario, and that she is not doing anything about it.

I'd like here to touch briefly on the depletion allowances mentioned in the bill.

It makes one wonder, being aware of what is going on in multi-national corporations and how they operate, whether your department really knows, when you grant allowances to Imperial Oil or any of the oil companies—and I presume you do that and it's in your legislation—whether you know what their expenses are in Saudi Arabia or some other foreign country.

I'm sure that somewhere along the line book expenses can be doctored. You have absolutely no way of really checking them to find out whether they're legitimate or not, but I'm sure they're used by the local auditors. You get the audited statement from the company, and you accept it as gospel truth. I'd like to see you sometime move in on these oil companies and find out just exactly how they apportion the profits and expenses, who pays what and how much, and whether they're legitimate or not. Because they certainly make profits here, and if they make profits in Ontario, they should be taxed on the basis of what they make in Ontario.

The idea of the venture investment corporation is another of those difficult Tory policies that is—well, sort of more for the greedy. When you give someone a 250 per cent tax exemption, again the people all over Ontario would be happy to get that kind of tax exemption or tax break. As was pointed out earlier, there is absolutely no indication that this is going to do anything for jobs in Ontario, that this is going to create new investment, that this is going to start new businesses or anything of that nature.

Basically, the businessman today, if he has something good, if he feels he can make a profit, will go ahead and do it. He's not going to wait because he's going to get a fantastic tax write-off. The assumption is that I'm going to take a bigger risk because I will be able to get a bigger tax break. I don't think there's a businessman in Ontario prepared to take any kind of risk—no matter what the tax breaks are—if he has not got assurance he's going to either get his money back or make a profit.

All you're doing here is giving to our corporate elite. They call them the paper-pushers, the paper-hangers, the people who move cheques around and nothing else. They don't start industry, they don't create jobs; they're involved in various take-overs. All you're doing is giving them some extra tax breaks, so they'll have more money to salt away and can push more papers.

If your government was serious about creating jobs, I suggest you give John Rhodes another \$20 million or \$30 million for the home repair program. As well as

taking care of a lot of decrepit housing, that will do a lot more for creating jobs in Ontario, than any of your venture capital nonsense.

Build housing at cost, ensure that land for housing goes out at cost, service land, cut out the speculative nonsense and you'll do a lot more for jobs in this province than you would anywhere else. You don't have to sit back and wait for someone to go out and look for new resources or prospect in Ontario. If you feel that they're not doing it because of certain tax restrictions—which do not exist in Ontario, incidentally—if they argue that way perhaps you should start looking at joint venture projects in prospecting, in industry, in refineries, in smelting. We could start getting those secondary jobs in the fabricating plants, start getting those secondary jobs in Canada, in Ontario, instead of shipping them out as we are doing right now.

Again, your legislation does absolutely nothing for this. There were 1,000 people in front of this building at noon today. They had a very clear message for this government: we want jobs. We need jobs in this province, so we have to do things to create the jobs in this province.

It's not something in the hands of the gods or something supernatural. The problem, the economy, is in the hands of the people of the province, the governments of this province and this country. Both of them are giving us the same rhetoric, the same nonsense we heard in the thirties. Instead of dealing with them, they look for scapegoats.

Mr. Swart: But you can't interfere with the corporate sector.

Mr. Makarchuk: And the favourite scapegoats right now are the people in government. Of course, if we get rid of the people who depend on the Children's Aid Societies, get rid of the people in the hospitals, get rid of the people in the nursing homes and get rid of some of the people in all those other institutions, everything would be fine. Earlier it was the trade unions, they were the favourite scapegoats. Then you put in the nurses because they went on strike. Then you put in the teachers because they went on strike. Now you've got the public servants in there. That is the way you run your damn economy. You go around looking for scapegoats instead of dealing with the problems that affect our economy, that affect our jobs on a sustained and concerted basis, so you know what you are doing and where you are going, and how to try and get there.

You are not doing any of that. Your legislation here is an example of a lack of direction in terms of ensuring your economy operates in a way that provides jobs. The one item with which we are going to deal—and the minister can explain why there has been a departure from the federal legislation—is section 7, dealing with the fact Ontario allows the spending of money on television, advertising, et cetera, at the border points as an expense, whereas the federal government does not. I want to tell the minister right now unless she has a very good reason, we will be moving an amendment to eliminate section 7 so the same rules that apply to the federal corporation tax will also be applied in Ontario and firms will no longer be able to use the money spent for advertising on American TV as a legitimate expense in figuring out their corporation tax.

As my colleague has said, we will reluctantly support this bill. We see it as an improvement, as was mentioned earlier, in that it helps to clear up some of the paper work, perhaps making things a little more readable and understandable to the people of this country and of this province. But in terms of the general thrust of the whole corporate structure, the way you manage the economy, it's a very poor piece of legislation; it is typically Tory.

Mr. Roy: Mr. Speaker, I wasn't going to speak on this bill, but in listening to the comments of my colleague from Brantford to my left here, I feel when I hear some of those comments about what his solution is to the problem of unemployment, the problem of taxation, the problem of the corporation, it's not quite that simple. It seems certain things have to be said so it is quite clear where different parties stand in relation to certain legislation.

I must admit I was somewhat surprised, after listening to his comments, that he ended it all by saying he was going to vote in favour of the bill.

Mr. Foulds: He persuaded you to vote against it, did he?

Mr. Roy: He didn't persuade me to vote against it, but he has persuaded me, when I hear the type of rhetoric and philosophy espoused by the people on my left about this type of legislation, there is some sort of an onus on us to take an opposite position. I think it follows, in fact, naturally.

I say, Mr. Speaker, without any hesitation or apology whatsoever, that I think a lot of what has been said here about the question of taxation, profits, corporations and jobs is basically hog-wash; and it is. One

of the things my friend is talking about is the question of taxes, profits and corporations. One of the problems is jobs aren't created out of thin air. We, as a party, would like to go on record as saying the role of government is not to create jobs. It is the role of private enterprise to create jobs and we are not afraid to say that.

Mr. Makarchuk: What if they have a conflict of interest?

Interjections.

Mr. Roy: You see, Mr. Speaker, the interesting part is we let them speak and don't interrupt; we listen to their hog-wash, which is basically what it is, espousing their philosophy—which may sell well to an NDP convention but the people on the street who know better know it for what it is. But the minute we get up and make certain comments in opposition to this, or espouse a different type of philosophy, then they get all excited.

Mr. Samis: Tories will do that to you as well.

Mr. Swart: Your position is similar to that of the Tories.

Mr. Lupusella: But free enterprise is obsolete, now what are you going to do?

Mr. Roy: Then they start interrupting. I don't mind that, it makes the debate more enjoyable. If nothing else it keeps certain people around here awake.

[9:00]

Mr. Foulds: It is the only thing that gives substance to your contribution sometimes.

Mr. Swart: Why don't you get off the floor?

Mr. Roy: I say again, without any apology, the role of government is not to create jobs, this is the role of private enterprise, whether it's corporations or people. Again, we in this party don't see anything insidious about the fact that there are corporations. We don't see anything insidious about people making certain profits in this province, we're not particularly concerned about that; that's what this economy is about, that's how this country was made what it is.

Mr. Foulds: Yes, and what a mess it's in.

Mr. Roy: We say that it's important that we in this province create an atmosphere where corporations can function, that we establish a tax system that is not so negative that we drive corporations out; the minute that we start doing that is when we start losing jobs. We like to create an atmosphere on the part of government which creates a competitive atmosphere so that corporations

stay here and create jobs. The approach taken by the members to our left is simply this: First of all, the basis of taxes—

Mr. Foulds: Why don't you give us your position, we'll enunciate ours.

Mr. Roy: See how they get excited.

Mr. Acting Speaker: May I ask the member for Port Arthur to wait his turn and then he will have a chance to speak, if he wishes.

Mr. Roy: Mr. Speaker, it's interesting, and I appreciate your intervention, but it's so interesting when I look at my colleagues to my left, whom I've listened to very patiently, they get all excited at the truth.

Mr. Foulds: That's because you spend three hours a week in the Legislature.

Mr. Roy: It's basic economics. The point is simply that they start saying: "Oh, corporations again." I think they are back in 1972 and with David Lewis, when he was talking about corporate bums and all of that. I thought they had got over that. The member for Ottawa Centre (Mr. Cassidy) who talks about the economy, would, I think, frown on listening to some of the comments that we've heard here this evening about NDP philosophy. Basically what they talk about is that the corporations again are ripping off the economy on the question of taxes. That is not the case. In fact we're losing corporations because the tax atmosphere in this country and in this province is such that they're better off operating some place else. This is why we have corporations going some place else; and when that happens we lose jobs.

Mr. Lupusella: Take Inco.

Mr. Foulds: No, Inco's been overtaxed.

Mr. Roy: There's nothing insidious. They talk about Inco, and I would have thought again they would have learned something about Inco; learned that this province and this country do not operate in a vacuum. We are in a competitive position with other countries.

Mr. Makarchuk: It's just the Liberal Party that operates in a vacuum.

Mr. Roy: We're in a competitive position with other countries, with the whole world; yet they don't seem to understand that. If we lose our competitive position, be it by way of taxation, be it by way of wages, be it by some other way—

Mr. Makarchuk: That's right, they are going to take the nickel on their backs and walk out of the province.

Mr. Roy: —in fact we lose more jobs. They don't seem to understand that. They fail to see that if we can't sell a product, if cor-

porations are not competitive here, then we will lose jobs—

Mr. Lupusella: Give us a bit of justification.

Mr. Roy: —and the government will lose revenue. You see it's a self-destructive argument that they are talking.

Mr. Bolan: It's a self-destructive party.

Mr. Roy: It is that; and they are the self-destructive part.

Mr. Bolan: And they are trying to con the unions.

Mr. Roy: How are they all going to solve it? What should the government be doing, according to them? It seems that every time we get a revenue bill we keep hearing this philosophy. I feel compelled to stand up and again espouse why that type of philosophy is really a fairy-tale. It sells well, but I'll tell you it's selling less well in the NDP conventions, because the NDP leadership candidates aren't even talking that way any more. They are talking about a more creative climate, they are talking about restricting government spending; and this is something new.

But we do want to put on the record, Mr. Speaker, that we as a party feel it is important, be it corporations or individuals, that we foster an environment and an atmosphere where they can stay competitive with other corporations, be they in other provinces or in other parts of the world. When we can do that, then we keep jobs. When we can sell our products, that's when we create jobs. It's not the way they're talking about it, they've sort of got it ass-backwards, saying that government has all the answers. That might sound unparliamentary, but that's exactly how their philosophy sounds.

I say again that it is not the role of government to create jobs; its role is to create the proper atmosphere so that private enterprise can in fact create jobs. That, at least, is the philosophy of this party over here.

I want to say something to the minister about this legislation. I want to be critical in the sense that I feel that the people who will and can take advantage of this type of legislation, unfortunately, are not going to be your small businessmen. I think this is still far too complex. Whether it's a federal law or this law, your small investor, your small businessman, who wants to be playing around with \$2,000, \$3,000, \$5,000, which is exceedingly important to him, will not be able to take advantage of this because it's still too complex; to take advantage of it he needs the type of advice and the type of expertise which he cannot afford.

I say to the minister that it's not altogether within her realm, she's trying to sort of dovetail her legislation with the federal legislation, which in my opinion is still far too complex.

Mr. Foulds: Now we get the reason for his position.

Mr. Roy: It's unfortunate, and I'd like to put that on the record, that the federal government and the province—

Mr. Foulds: The member for Ottawa East lies supine before the federal Liberals.

Mr. Roy: —have not seen fit, over these years, to try to simplify the tax process. Really, the only people who can afford to take advantage of all the schemes in this type of legislation or the federal Act—

Mr. Makarchuk: "Schemes" is a good word.

Mr. Roy: Well "scheme" is not an improper word, it's a definition under the Income Tax Act; there's nothing wrong with that.

Mr. Samis: It certainly has a connotation to it, doesn't it?

Mr. Roy: I see nothing insidious about that word.

Mr. Makarchuk: Scheming how to avoid paying taxes.

Mr. Foulds: It's a Liberal word.

Mr. Roy: What I'm saying to the minister is that the system has become so complex that the only people who can take full advantage of it are those corporations that are large enough to be able to have a whole staff, to be able to pay accounting firms and that sort of thing. That's unfortunate, because some of the aspects and some of the advantages very often offered, could be taken up by small corporations, but they cannot because they cannot afford the expertise and are not even aware of it.

I don't mind telling you, and I don't mind admitting, that most people don't understand this; in fact very few of us, if it wasn't for the philosophy that we're discussing, that the NDP raised earlier and that I'm talking about now, frankly when it comes to the technicalities of this type of legislation there are very few people here who have sufficient expertise. In fact I suspect, working with accountants on and off who are working on books, I get the feeling that sometimes they don't understand, as well as they should, the mixture of the Income Tax Act and the mixture of this type of legislation.

I appreciate that it's difficult—and I can recall, Mr. Speaker, some time ago—who was it who looked at the income tax and talked about a buck is a buck, I don't recall who—

Mr. Handleman: Carter.

Mr. Samis: The Carter commission.

Mr. Roy: Yes, the Carter commission—

Mr. Samis: A great commission of the Liberal government too.

Mr. Roy: —which suggested a simpler way of looking at the question of taxation of profits—

Mr. Samis: That's right, which opposed them.

Mr. Roy: —and some of the advantages and disadvantages under the Income Tax Act. I thought it exceedingly unfortunate that the federal government which attempted just three, four or five years ago to make some changes to the Income Tax Act—

Mr. Samis: Edgar Benson was minister.

Mr. Roy: —in fact seemed to have brought in something that was far more complex than we had to start with.

When I look at that Income Tax Act, and I see section 21, subsection 6(a)(i), subsection 3(i)—you have to be a mathematician just to follow that you're in the same section, never mind understanding what they're trying to say.

Mr. G. Taylor: It's rough if you're a lawyer.

Mr. Roy: I appreciate this is beyond the minister's control, but the fact is there has to be an effort on the part of government, if it wants to give advantages to all citizens or to all corporations, as we're trying to do under this legislation, that it make this information available and produce it in such a fashion that it's accessible to everyone. I'm convinced that most of the small businesses in this province, which comprise, after all, a major part of what keeps the economy of this province going, will not be able to take advantage of this type of legislation; and that I find sad.

I wouldn't even have to limit it to this legislation. The way we're cranking out legislation in the House they're not aware of most of it. But surely when it gets to the question of taxation, we should give the same advantages, or we should at least take steps to have legislation brought forward that is easily accessible and understandable and not only to the advantage of the large corporations.

Again, I don't see anything insidious about large corporations that are creating jobs, paying taxes and that sort of thing, but the fact is they're given a break because they can afford to have all the experts and the small corporations can't.

It reminds me of business corporations in the development field. Only the large ones now can afford to stay in that business because of all the red tape they have to go

through; they have to get all the proper experts to get through the proper channels. No small corporation can afford that kind of help or has staying power to take advantage of what the system offers them.

I think we should look at something like this. I appreciate it's not easy, especially in a federal system when you must have provincial legislation which dovetails with and conforms to the major federal statute. But it certainly wouldn't hurt my feelings if the minister were to convey to the federal minister the feeling of certain members in this House that the federal statute is still far too complex. I'm convinced that, somewhere along the line, some government or individual is going to grasp that Income Tax Act and try to reduce it in such a form that even people as limited in intelligence as I am will understand it. Thank you, Mr. Speaker.

Mr. Foulds: Mr. Speaker, I've been stimulated to enter this debate because I believe that taxation can be used as a tool for two basic purposes. It seems to me that whether it's income tax or corporation tax, which is what we're dealing with here, the primary function of the tax should be to gain revenue for the state—the province, in this case—to administer necessary and useful social programs or, if you like, hardware programs such as the building of highways and other kinds of services that the citizens of the province need, whether they are individual citizens or corporate citizens. I think that the member for Ottawa East missed a very important point in the argument put forward by my colleagues previously in this debate.

Mr. Lupusella: All the points; not just one.

Mr. Foulds: The second useful function of tax is that, by its modification, it can be used to stimulate or slow down the economy, depending on what one wishes to do with it at this cycle in our current state.

Mr. Roy: That's where you're wrong. That's the old system. It doesn't work any more. The socialist government in Britain said it doesn't work.

Mr. Foulds: By the way, Mr. Speaker, I do hope that you'll allow the member for Ottawa to interject as frequently as he sees fit. Obviously his original presentation was lacking in substance and did not suffice—

Mr. Roy: It certainly got you stimulated.

Mr. Foulds: He obviously feels it's necessary to put a number of footnotes on the record as I proceed, so please allow him to do so.

Mr. Roy: It stimulated the member enough to get him off his rear and on his feet.

Mr. Foulds: He reminds me a bit of the character in Hamlet known as Osric. Being knowledgeable in these things, Mr. Speaker, you will recognize what a shallow fop Osric was and how he was sent packing by many people in that play.

I would like to point out, in terms of the principle of taxation, the number of tax concessions that have been made to the corporate sector in our history. In a philosophical vein, I'd like to point out and try to correct some of the errors of history that the previous speaker tried to put into the record of his Legislature. It was not private enterprise on its own hook that built this country.

Mr. Bradley: Don't you like private enterprise?

Mr. Foulds: It was not private enterprise on its own hook that built the railway system across this country, there was a good deal of government involvement.

Mr. Swart: The government bailed them out when they went broke.

Mr. Foulds: It was not private enterprise that built the airline system in this country.

Mr. Roy: We should have had it, though.

[9:15]

Mr. Foulds: For 30 years, that was a state-owned operation because it was unprofitable. Private enterprise wouldn't invest in it but once it became a profitable operation, the weak-kneed Liberal government at the federal level turned it over to the private sector. It gutted the—

Mr. Roy: Here we go.

Mr. Foulds: —system that had been established, so that the profitable runs were given to the private sector. But the private sector—

Mr. Swart: Like the Gray Coach.

Mr. Foulds: —did not have the guts to take the chance in developing an airline system across this country. Today, in the northern part of this province, the private sector does not have the guts, the initiative or the capital to invest in a provincial air system to service the needs of the people of the north. It is the state, the province, that must intervene through norOntair to provide that service. Hopefully it's safe, but in view of the revelations of the last few days I am not sure of that.

It is not private enterprise which built the highway and road systems of this province. It is not private enterprise then, as

the member for Ottawa East says, which has single-handedly built this country.

Mr. Roy: I never said single-handedly.

Mr. Foulds: In fact, it is the history of this country and the history of this province that it has been the state, the government, that had to do a number of these functions. For that reason, we in this party say unashamedly—

Mr. Bradley: Nationalize.

Mr. Foulds: —that because a number of those things have had to be done by the state and the corporations have benefited from that action, then they should be made to pay their fair share, that's all.

Mr. Makarchuk: Let the record show that the member for Ottawa East does not know his history..

Mr. Foulds: I would suggest, for example, that in one area the Conservative government of this province has demonstrated its lack of faith in the private enterprise system and that it has been supported by the Liberal Party of Ontario when it briefly formed a government. That is that the Ontario Conservative government nationalized the private power companies of this province to form Ontario Hydro.

Mr. Roy: He is out of order.

Mr. Foulds: The Liberal government did not reprivatize that in the brief period that they were in power. So there is a good and honourable history of the public sector providing and creating jobs. I would simply like to point out that—

Mr. Conway: That is selective history. I hope you don't teach that in Port Arthur.

Mr. Foulds: —in the western European countries that today are experiencing the lowest—

An hon. member: You had better learn about it.

Mr. Conway: Public sector dictators.

Mr. Foulds: Is this your maiden speech?

Mr. Roy: He is talking about the public sector and private enterprise. It is taxation we are talking about.

Mr. Deputy Speaker: Order. The member for Port Arthur has the floor.

Mr. Foulds: I would like to point out that in those western European countries that are experiencing the lowest rates of unemployment, if our major concern—and the major concern of a number of speakers this evening has been the creation of jobs through a balance in the taxation formula as expressed in this bill—

Mr. Roy: No unemployment in China, no problem.

Mr. Foulds: Those western European countries that have the lowest ratio of unemployment have admittedly mixed economies where private and public enterprise often work together.

Mr. Roy: We are not against that.

Mr. Foulds: West Germany is a good example. Norway, Sweden, Austria are other examples.

Mr. Roy: We are not against that.

Mr. Makachuk: You are changing your tune.

Mr. Roy: No, no. No wonder you will never form the government. You are so narrow minded.

Mr. Foulds: I would like to point out that none of those governments wait for private enterprise, as the member for Ottawa East would like to do, wait for the private sector to create jobs. That is all we in this party are saying at this stage with relation to the principle of this bill.

Mr. Roy: We are saying there is too much government.

Interjections.

Mr. Deputy Speaker: Order, order.

Mr. Foulds: So I would like to support the taxation principles expressed by my colleagues in the New Democratic Party previously on this bill; the shallow, inaccurate, un-researched, irrational statements of the member for Ottawa East should not go unchallenged.

Mr. Conway: I thought the Laxer wafflers were dead!

Mr. Makarchuk: They are all in the Tory party.

Mr. Deputy Speaker: Is there any other member who wishes to participate in this debate? If not, the hon. minister.

Hon. Mrs. Scrivener: I must express my gratitude to those members who did actually discuss the principle of the bill, which deals with simplification and administrative change, and points out policy differences between the government of Ontario and the government of Canada. I think the member for Beaches-Woodbine (Ms. Bryden) did this quite admirably. She caught it up very quickly and in her first two paragraphs highlighted those principles immediately.

She talked about the design of tax systems that favour corporations. She referred to fast write-offs, concessions to the resource industries, et cetera, which have not helped the economy. Similarly, her colleague the mem-

ber for Brantford had some harsh words to say, to wit: "Corporations should be carrying their fair share of the load."

Mr. Foulds: That is not a harsh statement.

Hon. Mrs. Scrivener: He expressed concern about the repatriation of the economy. He said people came to Canada "to make a buck."

On the other hand, the member for Ottawa East was then stimulated to get up and score some of the remarks made about the bill in terms of its ability or nonability to create jobs, to engage in taxation, and the whole matter of profits in corporations. He said, "We are losing corporations because of the tax atmosphere." Right on.

Mr. Roy: See that?

Mr. Foulds: Name one, give us an example.

Hon. Mrs. Scrivener: "If we lose companies," he said, "we lose revenue and we lose jobs." Mr. Speaker, I have to say I too would like to comment on this particular aspect of the debate this evening, because I think perhaps we have to face some harsh truths. Some members in the opposition benches don't seem to be able to face up to those realities.

Mr. Bradley: Which ones?

Hon. Mrs. Scrivener: First and foremost, the whole question of multi-nationals was laid on the line. The taxation of multi-national corporations in Canada is one of the toughest in the world, with only France enforcing a system which would be described as more severe.

Mr. Samis: Says who?

Mr. Foulds: Would you like to support that or would you like to duck that?

Hon. Mrs. Scrivener: I would point out that taxes in the United States—this is a comparison—take a smaller share of the gross national product than in Canada; 28 per cent as compared to 37 per cent in Canada.

Mr. Samis: What kind of taxes?

Hon. Mrs. Scrivener: The total tax impact is greater in Ontario than in the United States when considering all levels of taxation.

Although the United States has a higher rate of federal income tax, 48 per cent compared to Canada's 36 per cent, its narrower taxable income base effectively reduces its federal income tax to a level approximately the same as Canada's. However, the greater impact of other taxes on the Canadian taxpayer, nine per cent of the gross national product, is substantial.

Mr. Foulds: What are you reading from?

Hon. Mrs. Scrivener: For example, 33 per

cent of Canada's tax revenue is derived from sales tax, whereas the comparable figure in the United States is only 19 per cent. This is due in the main to the heavy burden of federal sales tax.

Mr. Conway: Give the socialists hell.

Hon. Mrs. Scrivener: At the federal level, great care is taken to see that such devices as inter-company pricing, royalties, management fees and so forth, dividend stripping, are thoroughly controlled. In addition, payments made off-shore have a withholding tax of 25 per cent imposed upon them in jurisdictions with whom no tax treaty exists.

The Ontario government follows exactly the same policy. Because of constitutional limitations we do not always follow the same procedures, but the result is the same. Our rules concerning inter-company pricing and dividend stripping are the same as those of the federal government. In addition, royalties, management fees and other like payments are effectively disallowed as deductions, to the same extent and effect as the federal withholding tax.

The general position in Canada—

Mr. Samis: Who wrote that?

Hon. Mrs. Scrivener: —is so severe that in international business circles, Canada—and of course that includes Ontario—is regarded as a hostile tax environment.

Mr. Foulds: By whom? In comparison with whom?

Hon. Mrs. Scrivener: Competition from states bordering Ontario has reached serious proportions.

Mr. Samis: Read Darcy's speeches.

Hon. Mrs. Scrivener: Corporation taxes are pretty much the same in all cases, but for all other taxes a company is generally better off in the jurisdictions to the south of us than they are here. Mr. Speaker, I think this is a most regrettable state of affairs. Given the need for jobs, I believe the entire area of taxation as it relates to corporations should be re-examined with a view to restoring our competitive position.

Mr. Foulds: Why didn't the minister do that with the bill? By the way, I like the spontaneous nature of the typing.

Hon. Mrs. Scrivener: The question the member has just raised is, why didn't we do that in this bill. It just indicates, Mr. Speaker, how grossly he misunderstands the bill.

Mr. Foulds: That's what we are challenging, the shortness and narrowness of the minister's vision.

Hon. Mrs. Scrivener: Members have been debating fiscal policy within this bill as if the bill was the cure-all, the miracle paper, the bible which will embody all the prayer and hope we want in our taxation and in our economy. Of course it cannot do any of these things. This bill is simply a simplification, a rewrite, of a much more complex statute. So if members are of the opinion that this bill can be revised and restated to do things other than what our original policy was. I say to them the bill is not designed for that at all.

Mr. Foulds: Tell me what it does do.

Hon. Mrs. Scrivener: The member for Beaches-Woodbine (Ms. Bryden) referred to how welcome the bill is with its simplification, its time-saving devices, its labour saving, its paper saving. She said it would reduce our bargaining power, but she also thought it might increase our bargaining power. One of the questions she asked was, "Could we now dissolve the corporation tax administration within the Ministry of Revenue?"

I have to say to her we require this administration for its flexibility and ability to use the Corporations Tax Act for Ontario purposes, exactly as she saw it. We aren't about to dissolve the administration. We're probably going to strengthen it now and put the personnel to more effective use in terms of assisting taxpayers. I say this because the point was raised that the bills, the Corporations Tax Act and the Income Tax Act of Canada, are so complex that the average person or the average corporation cannot use them very handily. As I said before the supper recess this evening, the Ministry of Revenue, through its Corporations Tax Branch, is the tax consultant to about 75 per cent of corporations in Ontario. That is not a bold statement, that is just a statement of fact.

We help our constituents, we help our taxpayers, and that is just part of the service we provide. Simplification of this bill is another part of the service we are providing.

[9:30]

The member for Brantford (Mr. Makarchuk) raised a query concerning section 1 of the bill. He wanted to know why Ontario intends to extend television and radio advertising rights in terms of offshore activity and I think his comment was a kind of tokenism. The bill is pretty good. He knows it's pretty good. I think he is trying to find a flaw.

Mr. Roy: That's not a bad point.

Mr. Foulds: And he found it.

Hon. Mrs. Scrivener: I hope he will agree

with me this is not a flaw. When he understands the reason for it, I think he will appreciate why the tax policy difference has been highlighted so he could find it and understand it. If the bill hadn't been revised he might not have been aware of it.

Mr. Foulds: Give us the reason.

Mr. Roy: Tell us why Ontario would allow something the feds won't.

Hon. Mrs. Scrivener: In the first instance, Ontario to date parallels and will now tie to the federal legislation in disallowing foreign advertising in newspapers and magazines. Ontario does not parallel the federal government's recent amendment to extend the disallowance to radio and television advertising and for this reason. This is a tax policy matter which Ontario did not follow because of retaliatory measures likely to be taken by foreign countries like the USA to counteract these measures which in part led to the disallowance of convention expenses incurred in Canada by US corporations in computing their taxes and which could cause an extensive loss in tourist business to Canada and particularly to Ontario.

Mr. Foulds: What has that got to do with advertising?

Hon. Mrs. Scrivener: I think the members will appreciate and agree with me that is a very valid reason for maintaining the Act in its present form.

Mr. Foulds: That's a red herring.

Hon. Mrs. Scrivener: Not at all. It was the member's colleague who raised it.

Mr. Foulds: He raised a good point. The minister's answer was a red herring. What about other places like Iceland, Greenland and so on?

Hon. Mrs. Scrivener: It applies.

Mr. Samis: It is irrational.

Hon. Mrs. Scrivener: Several members have discussed venture investment corporation provisions within this Act. They debated the pros and cons of the principle of VICs but I would remind them that all of this debate was played out during the debate on the VIC Registration Act earlier this year, that is in July. Provisions in this Act merely set out the methods and provisions governing their taxation. The bill, in other words, provides the tax provisions necessary to make the VIC concept operate. Under the provisions of the bill a corporation investing in a registered venture investment corporation will be permitted to deduct 250 per cent of its investment from its taxable income with provision to carry any unused deduction

forward against future income. Thank you, Mr. Speaker.

Motion agreed to.

Ordered for committee of the whole.

ASSESSMENT AMENDMENT ACT

House in committee on Bill 91, An Act to amend the Assessment Act.

Sections 1 and 2 agreed to.

On section 3:

Mr. Deputy Chairman: Mr. Swart moves that section 96(2) of the Act, as set out in section 3 of the bill, be amended by deleting 1979 at the end of the second line and substituting therefor 1978, so the said subsection (2) will read: "96(2). Section 71 continues to be not in force and remains inoperative until January 1, 1978."

Before you speak to the amendment, I shall just ask the hon. minister to what section she has an amendment.

Hon. Mrs. Scrivener: Mine is in section 2; and it was an omission. I just can't find the piece of paper; it's in my book but I can't find it.

Mr. Foulds: I think we will give unanimous consent to revert to section 2.

Mr. Deputy Chairman: We will revert to section 2 after we deal with section 3, if that's in order.

Hon. Mrs. Scrivener: Thank you.

Mr. Swart: Mr. Chairman, I covered this amendment and the reason for it quite fully on the second reading of this bill. The intent is to make section 71 of the Assessment Act operative. That, of course, deals with the matter of equalization of the assessments within municipalities for the purposes of the provision of assistance to the municipalities from the provincial government, and for the purposes of sharing the cost between municipalities where the authority overlaps more than one municipality.

Because there seems to be some confusion about this matter I perhaps should read section 71 of the Assessment Act as it appears now, as amended and up to date January, 1977. Before I do, I want to make it perfectly clear to the members on my right that this in no way introduces by a back door, front door, side door, or even for the purpose of equalization, market value assessment. It simply lifts the freeze which has been applied to the equalization factors now for eight years. It lifts that freeze and will require the minister to undertake an equalization.

Anyone who is at all familiar, Mr. Chair-

man, as you are, with municipal operation, will know that during the last years, because of the growth in municipalities, or the lack of growth in municipalities, there has been a tremendous—

Mr. Conway: I remember it well.

Mr. Swart: I'm glad to see the member for Renfrew North has finally moved over and we welcome him to our caucus.

Mr. Ashe: He is really heading downhill.

Mr. Swart: The assessment base in municipalities has changed rather dramatically, and this results in a change in the factors. I think it becomes obvious, it's obvious to municipal people, that apartment houses for instance have been assessed at perhaps 25 per cent value, single-family residences have been assessed about 12 per cent of value. Since 1969, since the equalization factor was frozen, there have been a lot of apartments built in some municipalities and they are using the same old factor; as a result those municipalities are in fact paying more than their share of the costs of operation for authorities which cover several municipalities, and are not receiving the grants to which they are entitled.

I would like to read that section of the Act, and again I point out that it has nothing to do with market value assessment. Section 71 reads: "The ministry shall examine the amounts of the assessments of rateable property in each municipality and locality on the last revised assessment roll of each municipality . . ." Perhaps I should stop there to point out that the last revised assessment roll according to other sectors of Bill 91 will be not the market value assessment but the assessment which has been in force for many years. Section 71(1) reads: "The ministry shall examine the amounts of the assessments of rateable property in each municipality and locality on the last revised assessment roll of each municipality and locality and determine as nearly as may be what the total of the amounts of the assessment of such rateable property should be so that cost may be apportioned and grants provided on a basis which is just and equitable as between municipalities and localities."

How could anybody really be against that section of the Act being operative? Yet, in Bill 91 it is proposed that that section be frozen for another year.

Section 71(2) reads: "The amount so determined under subsection 1 is the equalized assessment of each municipality and locality and the equalization factor of a municipality or locality is a percentage that the total of the amounts of the assessment of rateable property of a municipality or locality is that

the equalized assessment of the municipality or locality, but neither the equalized assessment nor equalization factor of a municipality or locality should be taken into account in the assessment of any land except as provided in this or any other Act."

I'm not going to read the rest of that subsection. It is 71(1) that is the important section, which would provide for the equalizations. Everyone in this House knows, and knows well, there are tremendous injustices now because of the freeze of the equalization factors. We've had the members from Windsor and Sarnia point out that there are something like 28 municipalities which they have checked and found that they are losing substantial amount in grants, of which Windsor is the greatest, I guess, \$8.5 million. Sarnia, I think, is \$1.2 million. St. Catharines is \$1.2 million. They've been going cap in hand to the Treasurer of this province saving to him, "Please give us a special grant to make this up." I say to you that if this amendment, which we propose, passes, you don't have to go cap in hand any more.

Mr. Haggerty: Oh, come on. If you open the door, don't be surprised if they flock to the Treasurer.

Mr. Swart: No, the Treasurer will be required to do an equalization and as a right those municipalities will get the money of which they are being deprived now because of an inaccurate equalization factor, a factor that's very inaccurate to today's conditions.

I would point out that section 71 is very broad. It would permit the minister to do a detailed equalization or a general broad equalization. You do not have to use the market value assessment. The minister could enact regulations which would permit almost any type of an equalization, but the municipality would have the right to have that equalization. I say that's a right that they should have, after being frozen for eight years. Municipalities like Windsor are losing \$8.5 million because it is frozen.

We in this party feel strongly that the minister should no longer continue that freeze. We are asking the party on our right to support us so that many of the municipalities which they represent will be able to get the money from the provincial government to which they are entitled. They will then be able to pay their fair share of the costs of education and regional government, and other costs, which are spread over many municipalities. We urge the support of the House in this amendment.

[9:45]

Mr. Haggerty: I would like to speak to the amendment put forward by the member for Welland-Thorold. Perhaps he does raise a valid point when he suggests there is a difficulty in one or two municipalities throughout the province of Ontario. One is Windsor. If we were to accept this amendment as put forward by the member tonight it would cause complete chaos in assessments in the other 800-odd municipalities in the province of Ontario.

If he continues to read section 71 of the Act as it relates to equalized assessment factors—I'm well aware that in previous years it has worked successfully in municipalities, particularly in the former county of Welland. The member and I were both members of the assessment committee. We used to use the equalization factor, perhaps with an area municipality that wasn't quite up to date on assessment practices, perhaps their assessor at that time was a young assessor who wasn't too familiar with the formula and manual used in the county of Welland. But, it did provide measures to assist in a county form of reassessment through equalization.

If one was to accept this, as I said before, it would assist one or two municipalities but perhaps cause chaos in all those other municipalities. Here is the section in the Act, section 71(5) and (6), that says you have to have a hearing: "Upon receipt of a notice of application for review under this section, the secretary of the Ontario Municipal Board shall arrange a time and place for a hearing. The applicant shall send notices thereof by registered mail to the ministry and to the clerk of the municipality, the secretary of each school board of the locality concerned at least 14 days before a hearing."

Mr. Swart: Only if they apply.

Mr. Haggerty: "If the equalized assessment and equalization factor under review are not just and equitable, the Ontario Municipal Board upon the hearing of the application shall determine a just and equitable equalized assessment and equalization factor."

I can just see every municipality, every clerk, every treasurer will be making application to the Ontario Municipal Board for a hearing on a matter of equalized assessment. I feel you're only going to open a can of worms, and perhaps cause a serious difficulty to the municipality and to almost every taxpayer in a community.

First of all, you're going to have a person in a community say: "I feel I've always paid

higher taxes than my neighbour and I want to appeal my assessment on that basis." I can just see this assessment appeal tribunal flooded with assessment appeals under this particular amendment. I would sooner wait until after all the hearings being held now, after review of the Blair commission recommendations, and after review of tax reform in the province of Ontario. Based upon that, I could not support the amendment to this bill at this time.

I think there are ways the Treasurer can assist those municipalities that may be penalized through their present assessment practices. As it relates to Windsor, there is no reason they can't come through with an additional grant to assist that municipality without having them go through hardship over the next year or so until we have all the known facts about tax reform and what the market value assessment will mean to local municipalities. I think, under the present system, hopefully, this will work.

I built a new home in 1970 and it's been assessed today and is comparable to my neighbour's assessment. In the long run I'm paying taxes comparable to those of adjoining property owners; in some cases I feel I'm paying more. Under the present system the assessors are trying to make it as equitable as possible.

Based upon that I feel we cannot support the amendment as put forward by the member for Welland-Thorold. It will just add further difficulties in the area of assessment in local municipalities. If we're looking for market value assessment, there is no need for an equalization factor or equalized assessment. That removes it, and that is one of the reasons why we had the equalization factor because we didn't have market value assessment.

My comments are short. I feel this will not improve the situation at all. It will only compound the existing problems. As soon as the government gets on with the matter of bringing forth market value assessment, we can iron out the difficulties and problems we will be facing—the shift in assessment from commercial to residential—I am sure that eventually we will get around to it and assist the government in working out some arrangement that will lessen the inequities through market value assessment.

Mr. Bounsall: I would certainly hope the last speaker for the Liberal Party is speaking only for himself and not for the party as a whole.

Mr. Roy: Oh, don't get excited now. He's the critic and speaks with authority.

Mr. Bounsall: I certainly hope he doesn't in this case. I am sure the members of your caucus from St. Catharines, Sarnia and Windsor sure hope he's not speaking for them or that party.

Mr. Roy: Are you speaking for yourself?

Mr. Bounsall: I certainly am not. I am speaking on behalf of the party and, in particular at this point, in the interests of Windsor and the 20 other communities, nine of which are completely and easily identified, that are being discriminated against under section 71 of the Act which has not been operative since 1970.

The formula to determine the provincial resource development grant uses a factor that converts actual assessment to an equalized assessment. This factor was determined by the province and then frozen in 1970.

In May 1976 the city of Windsor urged the province to calculate the resource equalization grant using the already quite clearly available market value assessment data, which as far as I can determine is available throughout this whole province at the moment. As far back as 1973, the city of Windsor was in hand of data which pointed out the inequities of this equalization system. They now have, in detail, the calculations of that. Since 1973, to and including this year, the city of Windsor has lost in excess of \$20 million in equalization grants. For the year 1978, it will be \$8.5 million. In August of this year—on August 8, 1977—Mr. McKeough stated in writing, "It's a well known fact that the existing system of equalization for adjusting assessments leaves something to be desired. I agree further," he went on, "that there is a particular problem in connection with the city of Windsor." Eight point five million dollars worth of a problem in one year, 1978, and a backlog of \$20 million.

The Treasurer in a speech in Sarnia indicated Sarnia was the second most disadvantaged locality in the province of Ontario at \$1.5 million.

Mr. Roy: You have convinced your caucus. Now sit down and let's get on.

Mr. Bounsall: Well, it's going to be interesting. If the Liberal caucus votes against one of the only opportunities I can see to force the Treasurer to change this, go down to Windsor and explain it. Go to Sarnia and explain it. Go to St. Catharines and explain it. You obviously don't have much concern because some of them are held by the Tories, but here's another one. Go to London. This appears to be the third most disadvantaged locality.

Mr. Roy: No, no, Ottawa.

Mr. Bounsall: The cities also disadvantaged in a rather major way are Burlington, Sudbury, Kitchener, Kingston and Woodstock. Go to those cities from your caucus, particularly those of Sarnia and London.

Mr. Roy: Okay, you made your point. You have convinced your caucus.

Mr. Bounsall: Listen, I have more content in any five-minute section of my speeches than you put in your hour speeches. It would be good if you either did some research or did some reading, one or the other, or put your reading and your tongue together.

Mr. Roy: Good, good, you've made your point. You have convinced your caucus.

Mr. Bounsall: The last speaker from the Liberal Party indicated this would cause chaos across this province.

There is no way this would cause chaos across this province. It would require the officials in the ministry to do some calculations based upon data they already have and which, because the cabinet has decided not to make any changes until the government actually makes operative its market value assessment scheme in its entirety, the government refuses to equalize a system which was supposed to do precisely that—equalize grants across this province.

We have seen postponement of the introduction of market value assessment from year to year, and there is no way that we can see early introduction of this system. In the meantime the inequitable position of these municipalities continues to grow. The inequality gets even larger year by year. Over the previous five years, including this year, it amounted to \$20 million in Windsor; next year alone it will amount to \$8.5 million. That same arithmetical progression continues to grow with the years. If we think it's bad this year—and it's particularly bad for Windsor—it's going to be worse next year than it was this year for other municipalities, and the year thereafter.

This amendment will not produce chaos. The facts are in hand to make the calculations across this province in terms of this equalization formula. This amendment simply frees the formula for the proper equalization use, and it is the one way in which we can make the Treasurer become honest in terms of seeing that this equalization grant means what it says.

The Liberal Party had better think through quite carefully the position it seems to have taken on this and opt for some equality around this province, including four or five municipalities in which some of its own members live.

I am glad to see the member for Kitchener-Wilmot (Mr. Sweeney) in the House at the moment, because his city is one of the top nine municipalities disadvantaged by this frozen equalization formula.

Mr. Roy: You've made your point. Next.

Mr. Bounsall: He certainly should be convincing his colleagues to support this amendment, which represents the only chance we will have to cause the Treasurer to give a full equalization for the year 1978.

Mr. Bradley: Speaking to the amendment, Mr. Chairman, it has been stated by the member for Erie (Mr. Haggerty) that considerable problems would arise from the passage of this particular amendment. While we certainly see some short-term advantages in the passing of this amendment, and that it is one possible way—and I emphasize “one possible way”—of alleviating those municipalities adversely affected by the question that has been before the House in the last couple of weeks, precipitated by the cities of Sarnia and Windsor, it is not the only possible answer to this particular question.

Mr. Swart: Oh yes, it is.

Mr. Bradley: Even though it is characterized by some of the members of the third party as being so, I don't think it is necessarily the only step.

Mr. Roy: Political posturing is what it is.

Mr. Bradley: One of the problems we look at is that in any changes we see there are ultimately—in the view of the Treasurer, no doubt—to be winners and losers. If the Treasurer is truly going to make the system equal, that would mean some municipalities at present in a rather favourable position are going to find themselves in a less favourable position, while municipalities such as Windsor, Sarnia, St. Catharines and Burlington—those listed previously in the brief from the city of Windsor—would certainly benefit.

Mr. Bounsall: That's what equalization is all about, you know.

Mr. Bradley: We feel ultimately, of course, that this is what will happen. I would hate to see the kind of chaos that would result, however, by the Ministry of the Treasury, Economics and Intergovernmental Affairs suggesting that some municipalities are going to receive less money in the coming year than they might at present expect, particularly in a year of restraint.

[10:00]

I was concerned this problem could have been alleviated. This amendment would perhaps not have been put forward if the Treasurer had agreed this morning when I asked

him to convene a meeting of all the mayors and treasurers of the municipalities specifically affected by this particular disadvantage. I asked him to provide for those municipalities the information that's available from his ministry on this particular problem.

If this could have been dealt with in an appropriate fashion we wouldn't even be entertaining with any degree of seriousness this evening, and with necessity, the amendment of the member for Welland-Thorold, which certainly has good intentions in it. It seems to us it is possible the provincial Treasurer, in negotiation with municipalities, could find a formula whereby transitional payments could be made to the various municipalities adversely affected.

This, of course, was done in the regional municipality of Niagara when regional government was first introduced. There were transitional benefits over a period of some five years which alleviated the burden of potential property tax that would otherwise have existed in the regional municipality.

We in this party share the concern of the member for Welland-Thorold as well as the concern the member for Windsor-Sandwich in expressing to the Legislature the fact we feel these municipalities have been hard done by and certainly deserve rectification of their problem by the provincial government. But to suggest this is the only way in which it can be done, I think, is being inaccurate. We feel strongly there are other ways of alleviating this problem without dealing with it in this specific bill.

Mr. Bounsall: Outline them. Give us a few examples.

Mr. Bradley: Well, I already have. The member should be listening, because I've already indicated, of course, the method of doing it is to have the minister call together the mayors and treasurers of these municipalities to discuss this formula.

Mr. Bounsall: He has already said no.

Mr. Deputy Chairman: Order, please.

Mr. Bounsall: Time and time again he has said no.

Mr. Bradley: Dealing with those municipalities which specifically have the problem rather than opening up the entire province to this situation. Then the Treasurer could beg off by saying he's not prepared to deal with it on a province-wide basis, but might be prepared to deal with it in specifically affected municipalities.

Mr. Bounsall: You don't know the Treasurer.

Mr. Bradley: I think there is far more

chance of the Treasurer entertaining the possibility of providing transitional benefits to those affected municipalities—

Mr. Makarchuk: You haven't got a hope.

Mr. Bradley: —than there would to open up the entire can of worms across the entire province of Ontario.

Mr. Makarchuk: You can get blood out of a stone sooner than you will get it out of the Treasurer.

Mr. Swart: I guess I've been in this Legislature now about two years and two months, and I have to say I have never heard as contradictory or as absurd a speech as that given by the member for Erie in this House.

Mr. Cureatz: Never.

Mr. Swart: I also have to say that the other speeches I've heard—

Mr. Cureatz: Just listening to your side now and then, I don't know about that.

Mr. Swart: —from this quarter would lead me to believe that they are living in something of a dream world, too.

First of all, let us make no mistake about it, the Act we have before us provides for equalization of assessment even after we have market value assessment. We had equalization of assessment all those years when each municipality did it, then when the county did it. But when the province took over, they froze it even though the equalizations were the same as they were under the local municipality and under the county.

Now they have a section in the Act providing for equalization even under market value assessment. But they're freezing it for the time being. So we're in a transition period—why, I have no idea—and they are freezing the equalization factors. They're freezing the equalization factors and creating these tremendous injustices against these municipalities.

Mr. Roy: Good, good point.

Mr. Swart: Also, I'd be interested in knowing where the member for Erie got his information that it would create havoc in the 800 other municipalities. I wonder if the member for Erie could tell us how much examination there has been of other municipalities? In fact, there have been very few that have checked; perhaps 30 or 40 or 50 out of the 800 have checked. There could be 400 that would benefit from this if an equalization study was made.

Mr. Roy: Good point.

Mr. Haggerty: Let's have a study first before you bring in the amendment.

Mr. Swart: But in any event, maybe 425 would go up; maybe 425 would go down. I don't know. But if it is going to be fair, then I think we should do it.

Mr. Roy: Good, you convince your guys now.

Mr. Swart: It could be two, three or four years before market value assessment is brought in. Even then of course they are going to have to have equalization according to this Act which was passed—well, the amendment was made back in 1974.

The member for Erie made a statement about the tremendous hassle there would be at the Ontario Municipal Board.

Mr. Haggerty: You know what it's like there today. You can't get a hearing.

Mr. Swart: They would be appealing it. I would suggest that if we have fair equalization there are no more municipalities going to be appealing it than there were in 1968—

Mr. Haggerty: You don't know that.

Mr. Swart: —and 1965 and 1963 than there will be after the market value assessment is brought in, if it ever is. There won't be any more municipalities appealing it.

But I want to point out the other side of this coin to the member for Erie.

Mr. Roy: Your party's with you on that. You don't have to convince them.

Mr. Swart: I want to read another section of that section 71 which I would like to see enacted. It says this: "A municipality or a locality may apply to the Ontario Municipal Board for a review of its equalized assessment and equalization factor and also the ministry may apply for a review."

May I say to the hon. member for Erie and to other people in that caucus, that what they are saying to Windsor, what they are saying to Sarnia, what they are saying to St. Catharines, is that we don't want the right to correct the injustice.

Mr. Haggerty: No, I don't say that.

Mr. Swart: We don't want this section operative. We don't want the right to apply to the Ontario Municipal Board to correct the injustice.

Interjections.

Mr. Deputy Chairman: Could we have order please? I remind the members of the committee only the member for Welland-Thorold has the floor. Would you please allow him to conclude his remarks.

Mr. Swart: As the member for Windsor-Sandwich said, you go back and tell the people in those municipalities and perhaps 100, or 200, or 300, or 400 other municipal-

ities that find out that they are not getting the grants that they are entitled to—you go back and tell them you had the opportunity to have an equalization, so they would pay their fair share and they would get their fair share of grants but you turned it down, because that is exactly what you are doing.

If you think the Treasurer of the province, as close as you are to those on the other side, as close as you are to the Treasurer philosophically, if you think the Treasurer of this province is going to set a precedent—

Mr. Roy: You have convinced your guys now.

Mr. Swart: —in giving to one municipality some sort of out-of-pocket ad hoc grant, where there may be 200 or 300 or 400 more which will be in the same position, maybe not to the same degree, then I suggest you are living in a dream world.

I would just say to the people in that caucus there is no doubt that they are quite prepared to shaft the people in their own municipalities to go along with the Conservatives and keep this freeze on.

Hon. Mrs. Scrivener: It is a fact that if this amendment were to be incorporated within the bill it would create assessment chaos in Ontario.

Mr. Haggerty: And he knows it.

Hon. Mrs. Scrivener: Most definitely it would, Mr. Chairman, because it does introduce market value. The equalization must be based on market value and that is according to section 27 of the Act, as the member must know.

Furthermore, I am advised by my legal counsel that the factors must be based on the latest sales prices in accordance with section 27 which states that "land shall be assessed at market value."

This is borne out by recent court decisions which were all based on market value and on sales prices and on ratios to market value. I have a piece here citing case after case in which it's this sort of decision. "The board concluded the assessment should be the purchase price times the average ratio and so on."

Just to recapitulate a little bit of the history, I looked back through what had happened in terms of the equalization factors in Ontario in recent years. The member was courteous and gave me a copy of his amendment about 10 days ago and I know he was intending to debate it this evening.

It's a fact that in 1970, the government decided to take the action of freezing the equalization factors in order to maintain as-

essment rolls at the 1970 level of value and to limit the right of appeal to similar properties in the vicinity in order to stabilize assessed values until the revaluation of all properties was completed and new municipal tax policies could be developed. In retrospect I think this was a wise decision. The average price and hence the market value of single-family homes has increased much more rapidly during the period 1972 to 1975 than, say, did the value of other classes of property.

The equalization factors, were they introduced in those years, would have followed the trend. Regional government and county and district costs would have increased regularly for municipalities relying on housing units for a large portion of their tax base. That of course is precisely what would happen if Mr. Swart's amendment passes.

Not only will this amendment impact adversely on many municipalities by increasing their share of the cost of a number of expensive programs and in reducing grants, it will have the most serious effect on rural and residential communities. That in itself should convince hon. members not to support this amendment.

There is, however, an even greater worry. As I stated earlier, assessments were frozen in the first place to protect the local municipal tax base and to legitimize certain assessment differentials within that tax base until tax reform is firmly in place. I also stated that the major attack was being mounted through the appeal process. That is exemplified in the kind of court cases we now see being decided upon, in which market value assessment most definitely is the underlying factor for the decision.

I now state most emphatically that the production of factors in 1978 will set the stage for renewed requests for equity through appeals. This point was also made by the member for Erie. At the present time the courts at every level, while hearing an appeal reach their decision by attempting to determine the market value of the property under review. They then adjust the market value to the prevailing level of assessment for that particular class of property in the municipality.

Mr. Swart: It hasn't anything to do with individual assessment.

Hon. Mrs. Scrivener: I am convinced that if new factors were published in the Ontario Gazette, the courts would use them to adjust their determination of market value.

Mr. Roy: Good, we are with you on this, thank you.

Hon. Mrs. Scrivener: This would result in huge reductions to the commercial industrial sector and taxes would shift to single-family homes and to the rural sectors of the community.

I've outlined in detail the horrendous impact which revision of the stabilization factors would have at this time. Such a move would remove present stability from the assessment process, would cause immense disruption and confusion, and would inflict serious hardship upon thousands of home owners. The net result of the amendment by the member for Welland-Thorold would be a massive increase in taxes for virtually every home owner in this province.

Mr. Haggerty: That is what he wants, that's what he wants.

Hon. Mrs. Scrivener: I ask all members of this Legislature to join me in defeating the amendment.

Mr. Swart: That wasn't the issue.

Mr. Deputy Chairman: All those in favour of Mr. Swart's amendment will please say "aye."

All those opposed will please say "nay."

In my opinion, the nays have it.

Amendment stacked.

Sections 4 to 6, inclusive, agreed to.

[10:15]

Hon. Mr. Welch: I wonder if I could have some indication from the committee. The Corporations Tax Amendment Act is next in committee. I wonder if it is going to take much time, because we were going to have a bell about now. Are there many changes to this Act? Could we do it and then have a bell finally?

Mr. Makarchuk: Mr. Chairman, we have one amendment for the Corporations Tax Amendment Act.

Hon. Mr. Welch: Let's call that bill then and we can do them both together with one bell.

Mr. Deans: Can we ring the bell while we're doing it?

CORPORATIONS TAX AMENDMENT ACT

House in committee on Bill 88, An Act to amend the Corporations Tax Act.

Section 1 agreed to.

On section 2:

Mr. Chairman: Hon. Mrs. Scrivener moves that section 2 of the bill be struck out and the following inserted in lieu thereof:

"2(1) Clause (c) of subsection 2 of section 2 of the said Act, as amended by the

Statutes of Ontario, 1973, chapter 2, section 1, is repealed and the following substituted therefor:

"(c) disposed of taxable Canadian property within the meaning given to that expression by subsection 1 of section 248 of the Income Tax Act (Canada) if the reference in that definition to section 2 of that Act were a reference to this section or

"(d) carried on business in Ontario," and

"(2) Clause (c) of subsection 3 of the said section 2, as amended by the Statutes of Ontario, 1973, chapter 42, section 1, is repealed and the following substituted therefor:

"(c) disposed of taxable Canadian property within the meaning given to that expression by subsection 1 of section 248 of the Income Tax Act (Canada) if the reference in that definition to section 2 of that Act were a reference to this section or

"(d) carried on business in Ontario.' "

Mr. Makarchuk: Mr. Chairman, that was very clear to us and we understood perfectly what was said. I would like to suggest to the minister that in the future, when she sends her material out to the critics, she include a copy of the federal bill she is referring to in her amending bill from this province.

An hon. member: According to the rules.

Mr. Makarchuk: According to the rules.

Hon. Mrs. Scrivener: Mr. Chairman, as a matter of fact, this was discussed with the House leaders, I believe. We understood that all parties had copies of the large bill on their library shelves and that this was available to all the critics. I regret the omission if the member feels it should have been delivered to him, but the fact is that we all understood that the parties had it and that the copies were readily available.

Mr. Deans: You must have spoken to the Liberal House leader, because he is the only one not here. You didn't talk to us.

Mr. Makarchuk: Mr. Chairman, what I'm referring to is a copy of the Canadian Income Tax Act. That was not part of the material that was provided to the critics. Since we are dealing with that specific Act, I think it is only sensible that that should have been included.

Motion agreed to.

Section 2, as amended, agreed to.

Sections 3 to 7, inclusive, agreed to.

On section 8:

Mr. Chairman: Mr. Makarchuk moves that subsection 7 of section 14 of the Act, as set out in section 8 of the bill, be deleted and

that the following subsections be renumbered accordingly.

Mr. Makarchuk: Mr. Chairman, if I may speak to the amendment, the proposed subsection puts the Ontario Corporations Tax Act on the same grounds as the federal tax and it disallows advertising expenses by firms advertising on broadcasting stations in the United States; in other words, they would have to pay the same tax that they pay to the federal government.

Section 19(1) of the federal Income Tax Act reads:

"Subject to subsection 2 in computing incomes, no deduction shall be made in respect of an otherwise deductible outlay or expense of a taxpayer made or incurred after the section comes into force for an advertisement directed primarily to a market in Canada and broadcast by a foreign broadcasting undertaking."

In effect, some of the minister's statement earlier that this may interfere with the tourist trade or anything of that nature does not really apply because the federal Act specifically refers to when the broadcast is made for a Canadian market. If you're talking about tourist trade, you're dealing with a foreign market, or an American market, and that becomes a legitimate expense for corporation tax purposes.

Mr. Deputy Chairman: Could I ask the member for Brantford to please write out that amendment and have it delivered to the table?

Mr. Roy: Mr. Chairman, in answer to your request of the member for Brantford, he simply wants to delete that subsection 7.

Mr. Deputy Chairman: I'm aware of that, but the rules of the House are that all amendments have to be in writing and submitted to the Chairman.

Mr. Makarchuk: I will be right there.

Mr. Deputy Chairman: I'm accepting the amendment but I would ask you to write it out and send it up.

Mr. Roy: Mr. Chairman, I spoke in support of the principle of this bill and had some serious disagreements with the members to my left as to the principle of taxation and the type of tax atmosphere that should be created in this province pertaining to our corporations.

Pertaining to this amendment, the response by the minister to the request made by the member for Brantford, I thought, was totally inadequate. I can't see why we are taking a different approach in this province than has been accepted by the government of Canada pertaining to section 19 of the Income Tax Act. If that type of expense is considered

under this Act not to be deductible, I don't see why we should allow it in Ontario, especially in view of the fact that the major expenses that can be deducted would certainly be under the federal Act and not under the provincial Act.

It seems to us that if we're going to have consistent tax policies in this province, I see very good reason for supporting this amendment. I've not heard cogent and logical reasons to oppose it. I've discussed it with some of my colleagues, and it appears reasonable to us at this time that we would be supporting this type of amendment. It's consistent with the federal Act. It's consistent with the principle that we should be trying to encourage Canadian content, our Canadian media and firms. I really can't see why we, in this party, would not support it.

What I found disturbing when this matter was put forward, was the response by the minister. It was such that it was very unconvincing. In fact, it was treated in somewhat of a cavalier fashion. Yet I felt that it was an important contribution to the debate. It's an important amendment. We're talking about consistent tax policies, and I find this subsection inconsistent with the whole principle of the bill. So I can say that, at this time unless we have very good reason otherwise—and as I say I'm not a tax expert—but surely, consistently, we would support this amendment.

Hon. Mr. Welch: It's obvious, Mr. Chairman, that we won't be able to complete this discussion.

Mr. Roy: We're finished.

Mr. Makarchuk: We can have the vote.

Hon. Mr. Welch: As you know, in all fairness to the minister, it is the general understanding that notices of amendments that are coming on Tuesday are given to us on Friday. You're now asking the minister to comment on something which, I understand, has fiscal implications, and I think the minister requires some time to consider this. I think it should be noted that this is not the accepted practice. We should have had notice Friday with respect to this amendment tonight. So I move adjournment of the debate on this.

Mr. Makarchuk: Mr. Chairman, on the same point, there was no way we could give notice because we did not consider the bill. But when we came to second reading, I did state to the minister that we would be moving this amendment and that was the earliest possible time that we could have moved the amendment. If you weren't so anxious to get the bill through, then you would have had adequate notice.

Hon. Mr. Welch: Now wait a minute, the bill's been on the order paper for several weeks and we decided at a meeting to call the bill tonight. There has been no undue haste. Let's be reasonable. The discussion on this bill is therefore adjourned and then we can have our division on the Assessment Act.

Mr. Roy: On a point of order, Mr. Chairman, just before—

Mr. Deputy Chairman: May I point out to the hon. members that the hon. House leader has moved adjournment of the debate on Bill 88 and I understand that is a non-debatable motion.

Mr. Roy: Yes, but I want to raise a point of order before the House leader comes along and in what I consider—

Mr. Deputy Chairman: Order, please. I will have to hear the point of order.

Mr. Roy: Mr. Chairman, it was understood that we were going to pass this piece of legislation. We said we had only one amendment. The House leader proposed that we treat the bill. We have talked about the amendment. I say that in his approach right now he's frustrating the original intent we all had to pass this legislation. It would appear that because he's going to lose the amendment, he wants to do something and they want to scramble out of here. I am saying very simply that we, on this side, are prepared to pass this legislation, vote on the amendment and let's get on with it.

Mr. Deputy Chairman: May I have the attention of the members, please. There is further debate required on Bill 88. There is a further speaker on the bill. The hon. minister wishes to speak.

The House leader has moved the adjournment of the debate on Bill 88.

Those in favour will please say "aye."

Those opposed will please say "nay."

In my opinion the ayes have it.

I declare the motion carried.

ASSESSMENT AMENDMENT ACT

The committee divided on Mr. Swart's amendment to section 3 of Bill 91, An Act to amend the Assessment Act, 1972, which was negatived on the following vote:

Ayes 25; nays 62.

Section 3 agreed to.

Bill 91 reported.

On motion by Hon. Mr. Welch, the committee of the whole House reported one bill without amendment.

THIRD READING

The following bill was given third reading on motion:

Bill 91, An Act to amend the Assessment Act, 1972.

Mr. Speaker: We have a late show under standing order 28(4). The member for Scarborough-Ellesmere has the floor for up to five minutes.

NURSING HOMES

Mr. Warner: Thank you, Mr. Speaker. The Minister of Health (Mr. Timbrell) tells this assembly he is content that all is well for the residents of nursing homes in the province of Ontario. Therefore he says that a public inquiry into the operation of nursing homes is not needed. The minister is aware that inspections have been done and reports filed citing serious problems in nursing homes. He is also aware that only 10 revocations and three prosecutions have occurred since 1972, the remaining recommendations by inspectors having been ignored.

Not only does the minister realize what is going on, so does the director of the nursing home association. At least he, Mr. Malcolm Walker, openly admits it. I refer to the Globe and Mail, November 29; quote, Mr. Walker: "We've told them a number of times, look, let's get tough. We tell the ministry that there are bad apples in the barrel and we want them improved, so get tough. There is no excuse whatsoever for a nursing home to have non-professional staff and have these people dispense medication, but at the same time there is no excuse for the ministry to soft pedal it."

What is so disturbing is that for the most part the problems in nursing homes, mostly related to staffing, have occurred because the owners of the homes are cutting corners in order to enhance profits. Again, Walker confesses, and we must await a similar response from the minister.

The problems are there, likely in most of the 378 nursing homes in this province, but the minister knows as well as anyone that it is very difficult for an individual member of this Legislature to expose all of the problems because residents are afraid of reprisals. So are the relatives of residents. Employees are afraid of losing their jobs if they speak up. Every once in a while courageous individuals do stand up, as Sharon Husain did regarding Kennedy Lodge.

Since the minister denies that problems exist, let me give him a few more cases and assure him that I will raise these serious

problems continuously until we get a proper resolve of the matter.

First item: The Pines Nursing Home it used to be called; it is now called the Pines Residence, situated in Mississauga. Unlicensed nurses have been giving medication there, and I am led to believe still continue to do so. An employee had hepatitis and continued to work. Nothing was done except that the residents were given shots, the employee was allowed to continue working.

There aren't very many residents there, only 36, but after 6 p.m. at night there is only one employee, one nurse; it scared them all away. There is one nurse there and usually that's an RNA, not a registered nurse to take care of 36 residents. That's the Pines.

The second item is a letter which I received regarding Bayview Villa. In particular, the writer of the letter says, be sure to see the east wing, the senile ward. It's very bad. This is a letter to me: "What a tremendous relief to note this morning on the news that you are launching a campaign to improve nursing homes in the province. My own alarming experience concerns a close friend who lived at Leisure World on St. George Street in 1976, and in Bayview Villa on Cummer Avenue from June to September of this year.

"The worst aspect seems to result from the employment of untrained, unsuitable attendants. The atmosphere of hostility towards patients and visitors is appalling in both of these homes. I shall focus in particular, however, on Bayview Villa.

"In Bayview Villa, a minority of the attendants did show attention, caring attitudes. The majority, however, were neglectful, hostile and bullying. When visiting Bayview Villa it is essential to realize that a large number of the attendants you will see are hired privately, that is over and above the regular payment. Some people had to pay as high as \$900 a month in order to get adequate private nursing care in a home where they are already paying money."

Thirdly, I bring to the minister's attention the citizens' panel report from St. Catharines, where items such as the bathing procedures are raised, residents receiving a bath only once a week; that the quantities of food are not enough, dishes of butter placed close to the floor, no hair nets are worn by the staff, cake was left to dry out for three quarters of an hour before being served.

The most disturbing part of that is that the administrator says that his home, which is highly criticized, is better than 200 in the

province; heaven only knows what the other 200 are like. The quote from the administrator says: "It is not like running your own family home; if it was we would be out of business because it is not economically feasible."

I ask the minister—

Mr. Speaker: The hon. member's time has expired.

Mr. Warner: Okay, Mr. Speaker; I would like one last sentence. The human dignity of each resident of a nursing home needs to be protected; and that is not happening today, and won't happen, until we have a proper inquiry into nursing homes. I have pursued this issue for two years now and will not be deterred by a lack of government concern.

[10:45]

Hon. Mr. Timbrell: Mr. Speaker, unfortunately I was not informed. I didn't know until the member started to get on his feet that he asked for a late show. There may be some information, statistics and so forth that I might otherwise have had with me, that I won't be able to use. Let me at the outset take exception to the very first comment which the member made which was to say that I have said that all is well.

The fact is that I ordered a review of the Nursing Homes Act and the regulations, very shortly after I took over this ministry. Recently I published the results of that in-house review, and sought public comment and contribution to those proposals. Comments were invited on what we proposed and, in addition, comments on what perhaps we haven't proposed. The parties or interested individuals think we could go further.

The member again made certain broad sweeping statements that all other recommendations for follow-up on, I think he said, on inspection reports were ignored. That's not true. I think he knows that's not true. He talked about—

Mr. Grande: Come on, you know that it is.

Hon. Mr. Timbrell: It's not true, otherwise you wouldn't have 208 nursing homes closed in the last five and a half year, 10 of them through revocation and others through threat of revocation.

Mr. Foulds: How many prosecutions have you not done?

Hon. Mr. Timbrell: Mr. Speaker, I sat here, albeit I'm the only one on this side, but I sat here very quietly and listened to the member for Scarborough-Ellesmere; I

wish that his colleagues would extend to me the same courtesy.

Mr. McClellan: Why is it you are the only one there? Because you are in big trouble that's why.

Mr. Laughren: You are in trouble. Keep digging.

Hon. Mr. Timbrell: Each of the points that the hon. member has raised previously, in addition to the ones that he's discussed this evening, relate to specific parts of the regulations. I would argue, as I did earlier today in this chamber, that a thorough discussion in public of the review of the Nursing Homes Act and its regulations will do as much good, or more, than the kind of inquiry that he's talking about. The kind of inquiry that he's talking about would result in the kind of recommendations which we have already come forward with.

Ms. Gigantes: You don't enforce the regulations you have.

Hon. Mr. Timbrell: His concern for the protection of human dignity I think is shared by all of us, at least I hope it would be shared by everybody in this House. My concern as minister is to convey to my staff, as I have repeatedly, that they have my full support to enforce to the fullest the existing regulations. Where they deem it necessary,

they are to so advise me that they want to recommend either prosecution or moves to revoke.

Mr. Laughren: This never happens.

Hon. Mr. Timbrell: I suggest that the measure of the success of the program is not in how many court cases have been launched, but rather in how we have been able in the ministry in the last five and a half years to substantially turn around what was an unacceptable situation in the nursing homes prior to the change in the Act in 1972.

Ms. Gigantes: Not in Ottawa, not in Ottawa.

Hon. Mr. Timbrell: We will continue to improve that. All is not well, I know that.

Ms. Gigantes: It has got worse.

Hon. Mr. Timbrell: I know that we can improve it further. But I suggest to you that the way to go about it is the route which we have launched on—

Mr. Laughren: You have been that route.

Hon. Mr. Timbrell: —not to get into a very expensive inquiry, which will not get us as far ahead as this will. In fact it may even leave us further behind.

Mr. Warner: Try a select committee of the House.

The House adjourned at 10:50 p.m.

CONTENTS

Tuesday, November 29, 1977

Corporations Tax Amendment Act, Mrs. Scrivener, second reading	2429
Assessment Amendment Act, reported	2444
Corporations Tax Amendment Act, in committee	2451
Assessment Amendment Act, third reading	2453
Debate re answer to oral question on nursing homes, Mr. Warner, Mr. Timbrell	2453
Adjournment	2455

SPEAKERS IN THIS ISSUE

Ashe, G. (Durham West PC)
 Bolan, M. (Nipissing L)
 Bounsall, E. J. (Windsor-Sandwich NDP)
 Bradley, J. (St. Catharines L)
 Bryden, M. (Beaches-Woodbine NDP)
 Conway, S. (Renfrew North L)
 Cureatz, S. (Durham East PC)
 Deans, I. (Wentworth NDP)
 Foulds, J. F. (Port Arthur NDP)
 Gigantes, E. (Carleton East NDP)
 Grande, A. (Oakwood NDP)
 Haggerty, R. (Erie L)
 Handleman, S. B. (Carleton PC)
 Laughren, F. (Nickel Belt NDP)
 Lupusella, A. (Dovercourt NDP)
 Makarchuk, M. (Brantford NDP)
 McClellan, R. (Bellwoods NDP)
 Rotenberg, D.; Acting Speaker (Wilson Heights PC)
 Roy, A. J. (Ottawa East L)
 Samis, G. (Cornwall NDP)
 Scrivener, Hon. M.; Minister of Revenue (St. David PC)
 Stokes, Hon. J. E.; Speaker (Lake Nipigon NDP)
 Swart, M. (Welland-Thorold NDP)
 Taylor, G. (Simcoe Centre PC)
 Timbrell, Hon. D. R.; Minister of Health (Don Mills PC)
 Warner, D. (Scarborough-Ellesmere NDP)
 Welch, Hon. R.; Minister of Culture and Recreation, Deputy Premier (Brock PC)



No. 66

Legislature of Ontario Debates

Official Report (Hansard)
Daily Edition



First Session, 31st Parliament

Thursday, December 1, 1977

Afternoon Sitting

Speaker: Honourable John E. Stokes

Clerk: Roderick Lewis, QC

CONTENTS

A list of the speakers taking part in the debates in this issue of Hansard appears, in alphabetical order, at the back of this issue.

Daily contents of proceedings also appears at the back of this issue. Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff. Phone 965-2159.

Hansard subscription price is \$15.00 per session, from: Sessional Subscription Service, Printing Services Branch, Ministry of Government Services, 9th Floor, Ferguson Block, Parliament Buildings, Toronto M7A 1N3. Phone 965-2238.

Published by the Legislature of the Province of Ontario.
Editor of Debates: Peter Brannan.



LEGISLATURE OF ONTARIO

THURSDAY, DECEMBER 1, 1977

The House met at 2 p.m.

Prayers.

Mr. Speaker: Before we begin the business of the House this afternoon, may I remind all hon. members and other interested persons of the unveiling of the portrait of Mr. Speaker Rowe which will take place outside the chamber when the House rises at 6 o'clock this evening.

STATEMENTS BY THE MINISTRY

CREDIT UNION DEPOSIT PROTECTION

Hon. Mr. Grossman: Mr. Speaker, it gives me great pleasure to announce to the House that a new form of consumer protection takes effect today for the 1.7 million members of credit unions and caisses populaires in Ontario. OSDIC, the Ontario Share and Deposit Insurance Corporation, created by this Legislature under the Credit Unions and Caisses Populaires Act, 1976, officially takes effect, and the nine-member board of directors officially takes office.

The corporation provides insurance of up to \$20,000 to each member of a credit union or caisse populaire to protect shares and deposits. This is the same protection extended by the Canada Deposit Insurance Corporation on deposits in banks, loan and trust companies.

It is gratifying to me that this high level of consumer protection has been achieved without any need to dip into the public purse. Each credit union and caisse populaire in Ontario will be assessed one per cent of its shares and deposits to provide the funds necessary to insure the assets of its members. Prior to the creation of OSDIC, shares and deposits in most Ontario credit unions and caisses populaires were protected for their members by stabilization funds established by the Ontario Credit Union League and la Federation des Caisses Populaires de l'Ontario.

In addition, OSDIC may take over the assets and management of a credit union or caisse populaire that is not in satisfactory condition; may provide financial assistance to any credit union or caisse populaire, or su-

pervise the orderly liquidation of its operations—

Mr. Samis: Whose orderly liquidation?

Hon. Mr. Grossman: —and must file an annual report with my ministry in the same manner as all Ontario credit unions and caisses populaires.

The corporation is directed by a nine-member board appointed by order in council on the recommendation of my predecessor. Three directors represent the Ontario Credit Union League, three represent la Federation des Caisses Populaires de l'Ontario, while the remaining three represent the public and unaffiliated credit unions. Some of the members of the board of directors are with us today in the gallery to my right and they will be available for information and assistance to the press after question period.

I would be remiss if I did not point to the co-operation and assistance my ministry received from members of the credit union movement in drafting the legislation which made OSDIC possible. One individual among the many who were most helpful is G. Allen Charbonneau, general manager of the Ontario Credit Union League and chairman of the board of directors of OSDIC, who also is with the group in the gallery today.

The credit union movement in this province has traditionally been responsive and responsible. I am pleased to see them join the growing roster of industries self-reliant enough to manage their own affairs. This government sees a healthy credit union movement, free of unnecessary interference, as one of the best ways to increase competition and availability of services within the financial system. It is the consumers of Ontario who are the ultimate beneficiaries. We wish them well.

CONFIDENTIALITY OF HEALTH RECORDS

Mr. Lewis: On a point of order before we start the question period, if I may, is there any minister in charge—it might be the Premier, who is now on his way in—to indicate whether there will be statements, as was widely reported, on the OHIP matter either from the Minister of Health (Mr.

Timbrell) or the Attorney General (Mr. McMurtry)?

Hon. Mr. Davis: Mr. Speaker, I haven't talked to the Minister of Health but I think he will be asking the House for an opportunity to make a statement later.

CYCLONE RELIEF FUND

Hon. Mr. Davis: Mr. Speaker, if the House doesn't object too strenuously, I have a statement on another matter. It is really very brief.

In response to a request from the Canadian Red Cross Society, the government of Ontario will contribute \$75,000 towards the India Cyclone Disaster Relief Fund. The cyclone that struck India on November 12 claimed the lives of at least 12,000 people and caused extensive damage to crops, homes and properties. The funds, at the request of the Canadian Red Cross, will be channelled through the Ontario division of that society.

CONFIDENTIALITY OF HEALTH RECORDS

Hon. Mr. Timbrell: Mr. Speaker, I apologize for being a little late. Additional copies of my statement are being printed. I've sent copies to the leaders of the opposition parties and to the health critics, although I don't see them, and also to the press gallery, I should say.

A number of serious concerns about confidentiality of medical records have arisen recently in connection with OHIP, psychiatric hospitals and other areas. I assure everyone I view this subject with grave concern. I intend to take whatever steps are necessary to ensure the principle of confidentiality of individual medical records is respected. This is my prime concern.

Each of the situations which have come to light is a case of grave concern. They demand a re-examination of policies and procedures presently in place. To undertake such an examination is neither simple nor easy. Nevertheless, we are refining our policies and procedures to reaffirm the integrity and confidentiality of individual medical records.

As examples of some of the things we have put into place, we are tightening security of OHIP records and will no longer supply any information to police forces without a court order. We are working in concert with the Ontario Hospital Association to examine the possible need to tighten procedures regarding patient records in hospitals. In our psychiatric hospitals we will be keeping a log of all requests for information and we will

shortly be proposing amendments to the Mental Health Act which have been designed to better protect the rights of all psychiatric patients.

In addition, this government has decided to appoint Mr. Justice Horace Krever to review and to make recommendations on policies and procedures which will ensure confidentiality of individual medical records.

Mr. Justice Krever's distinguished background and experience qualify him eminently for this review. While a professor in the faculty of law in the University of Toronto, he also lectured in medical jurisprudence. Between 1966 and 1970 he was a member of the Committee on the Healing Arts. He has also been a member of the Council of Health and of its executive committee, and president of the Medico-Legal Society of Toronto.

Specific terms of reference for Mr. Justice Krever's review will be made public within the next week.

Mr. Lewis: It's a start and a change.

Hon. Mr. Davis: Don't leave yourself vulnerable.

Mr. Lewis: That isn't the first time.

ORAL QUESTIONS

CONFIDENTIALITY OF HEALTH RECORDS

Mr. S. Smith: I have a question for the Minister of Health. Welcoming as I do, and as I am sure all members on this side do, the appointment of the distinguished Mr. Justice Krever, I wish to ask the minister whether the terms of reference which he is engaged in preparing for the judge will include cases such as that reported, in which a doctor allegedly obtained on a regular basis for an insurance adjuster of some description, hundreds of medical files with which he had no professional business. Will those matters be included in the terms of reference for the judge to look at?

Hon. Mr. Timbrell: Yes, the Public Hospitals Act would form part of the terms of reference.

Mr. S. Smith: Has the Minister of Health discussed with the Attorney General (Mr. McMurtry) the possibility of any charges being laid with respect to that particular case, and whether any further action should be taken regarding the insurance adjuster or the doctor or anyone else for that matter? Has he discussed with his other colleague, the Minister of Consumer and Commercial Relations, whether or not these practices are very widespread in the insurance industry, whereby insurance companies can find them-

selves in possession of medical files without the permission of the patient and without the court having issued an order for such files?

Hon. Mr. Timbrell: I haven't discussed with the Minister of Consumer and Commercial Relations the latter suggestion. I would think that that would very definitely be a part of the review that would be carried out by His Honour. With respect to the former, that is something we are pursuing with the hospital association, and we are investigating further the question of the doctor concerned.

Mr. S. Smith: I thank the minister and look forward to further responses.

BROWNDALE

Mr. S. Smith: I have a question for the Minister of Community and Social Services. Given the recent charges that have been laid with regard to the operation of Browndale and given the fact that such an occurrence could well be giving rise to feelings of uncertainty on the part of staff, on the part of parents and perhaps even on the part of children—those old enough to understand what's happening—can the minister tell us what plans he has developed and has implemented to ensure the welfare of the children and the public interest in general, and what he has done, having had about a year and a half to prepare for this eventuality?

Hon. Mr. Norton: Immediately upon learning of the laying of the charges to which the hon. member refers, the senior officials within my ministry met with representatives of the board of directors of Browndale, at which time the question of continuation of the service and the welfare of the children was discussed. Firm assurances have been given that there will be no interruption in service to the children. In addition to that, steps have been taken both by the senior officials of my ministry and officials of Browndale to contact their workers in the field across the province to reassure them that the service will be maintained throughout this period. We have no reason whatsoever at this point to fear there will be any interruption of service.

Mr. S. Smith: By way of supplementary, given the rather exceptional circumstances in this matter, would the minister not agree that he and his officials might be well advised to convene a meeting of Browndale staff and a meeting of parents involved so as to let them know what contingency plans may exist, lest they feel threatened by circumstances or by other threats expressed or implied by whatever person? Wouldn't such a meeting at which the ministry could lay

out its contingency plans and its guarantees about the continuation of service be a good idea, given the uncertainty that must exist in their minds at this time?

[12:15]

Hon. Mr. Norton: As I have said, contact has been made with staff members of Browndale across the province to do precisely what the hon. member requests we do. I am not sure how extensive his suggestion would be in terms of convening a meeting of Browndale staff, whether he means literally bringing in all the staff from across the province of Ontario. I can assure the member that contact has been made, both by Browndale and by officials in my ministry, precisely for the purpose of giving that kind of reassurance. At this point I have no indication that further measures, such as convening a meeting in Toronto or else at another location in the province, are necessary or would serve any further useful purpose.

Mrs. Campbell: Would the minister not agree that given the new circumstances there are bound to be dislocations, and that extraordinary steps are required with Browndale's co-operation, hopefully, in order to stabilize that situation?

Hon. Mr. Norton: Again it is not clear in my mind what specific kind of situation the hon. member is referring to. Certainly, should the present situation not continue, and I can assure the hon. member that the Browndale corporation has indicated a willingness to co-operate with us in order to ensure the continuation of service—we do have staff members in our ministry who will be monitoring that service throughout this period of time—but should there be any indication to us that there is dislocation or that there is reason for further intervention, certainly I would be prepared to do that, and certainly I would exercise the authority that I have under the ministry Act to do so. But I do not want to act precipitately when there are indications of co-operation in order to continue service.

Mrs. Campbell: May I ask one supplementary following the minister's reply? He has referred to monitoring. Could the minister give us some idea what he means by monitoring the situation by members of his staff?

Hon. Mr. Norton: Ministry staff in the field, throughout the districts across the province, have been instructed to establish a close relationship with the staff of Browndale and to maintain ongoing communication with them in order to ensure that there is no threat of disruption of service.

Mr. S. Smith: A final brief supplementary: Now that the charges which were at one time pending have in fact been laid, are we going to receive answers to our questions regarding the financial situation, especially about how the 1977 per diem was set? Furthermore, is the minister going to tell us now what changes in the method of funding he has in mind?

Mr. Speaker: Order, please. If I might just intercede at this time, we have reviewed the sub judice rule on numerous occasions in this House, and it is not the prerogative of the Speaker to call into question the nature of a question and whether or not it may be. All I want to do is caution the person asking the question and the minister to use some discretion with regard to the sub judice rule. I am not outlawing the question. I just want to remind members of that.

Mr. S. Smith: May I just speak to that point briefly, Mr. Speaker, in thanking you for that reminder. As you are aware, sir, the government of Ontario pays to Browndale now about \$700,000 a month. We are merely asking whether that can be accounted for, as we requested in estimates. As you know, sir, in estimates we were told that because charges were pending, they didn't have the information available for us. We wonder if it will be available now, including any plans they have to change the method of funding.

Hon. Mr. Norton: I think the only change in circumstances since the time that questions were asked during the estimates is that perhaps it is even clearer now that certain issues are sub judice. Since I am not familiar with either the details of the previous investigation or the evidence that might be relevant to the charges currently before the court, I would be very reluctant to discuss it especially in view of the legal advice that I had obtained earlier while the matter was under investigation.

Mr. Lewis: If I may ask a supplementary, surely the minister is not hesitant about now discussing the applicable per diem for a treatment centre and how he arrived at it, since it is functioning today.

Hon. Mr. Norton: As I said, if I were aware—and I'm not—of specifically what issues gave rise to the charges currently before the court, then I would know what I could safely comment upon. But I am not privy to that information and I would not wish to comment on a matter in any way so as to prejudice the case that's before the court or any of the persons who are involved.

Mrs. Campbell: Supplementary on a point of clarification: Do I understand it that the minister is still relying on an opinion which was given some time ago? Has he not sought a further opinion as to whether the facts cannot be told now that charges have been laid? If he hasn't, will he do it?

Hon. Mr. Norton: Of course, I will. I have not, and I'm sure right now I could assure the hon. member that the opinion is not likely to have changed since the charges have been laid.

CONFIDENTIALITY OF HEALTH RECORDS

Mr. Lewis: I too would like to welcome the statement made by the Minister of Health and come at his statement in a slightly different way. Does it not concern the Minister of Health considerably that both the complaints committee of the College of Physicians and Surgeons and the Health Disciplines Board in Ontario would virtually exonerate from culpability a physician who admits to giving literally hundreds of files, without consent required from the patients, to a third-party insurance adjuster over a period of time, and that all the Health Disciplines Board says is, "It's not a very nice thing to do, but it wasn't meant with malice and, therefore, we'll just let you off!"?

Doesn't it worry the minister about the standards and scruples which both the complaints committee and the Health Disciplines Board are applying to this highly sensitive area?

Hon. Mr. Timbrell: Yes, it does. I haven't got the decision with me but, as I recall it, the quote, either in the report or some back-up papers, was that this particular physician had prepared hundreds of similar reports. The case in question had to do with one particular instance where he had obtained a record without consent—that one. It's not clear about the others. I guess perhaps one can try to make that kind of a bridge. Even though it's just one, that certainly is sufficient grounds for concern.

As I indicated, we are working with the Ontario Hospital Association which in recent months already had circulated its members with reminders of the provisions of the Act. I will be meeting with the hospital association again for our regular monthly liaison in a couple of weeks. In the meantime what we propose to do through them is to follow that up with a review, asking each of the hospitals to indicate yet again what are its current procedures. Where we find any wanting—"we" being the ministry—then we will pursue

it with individual hospitals pending the completion of Mr. Justice Krever's review.

Mr. Lewis: Supplementary: Let me remind the minister that the physician said he prepared hundreds of similar reports, over the years, "many of them for that particular adjuster." It probably is more than one. On that basis, beyond the Ontario Hospital Association, doesn't the minister think it might also merit a conversation with the Health Disciplines Board, without meaning to erode its authority, and with the complaints committee of the College of Physicians and Surgeons to suggest that this protective environment applied to the medical profession might be ameliorated a little in the way they view and judge such cases? This is really quite gross.

Hon. Mr. Timbrell: Certainly I intend to pursue it with the college at our next meeting. As the member knows, I also meet with them once a month so that current things that come to the surface can be dealt with fairly quickly. We'll take it up with the board.

It comes down to the college's view. As I read it, the board obviously felt there was no point in referring it back, given the circumstances. There appeared to have been, in their view, reasonable grounds that the doctor thought there was consent. That's not good enough, obviously. It's got to be tightened up. I always remember something I was told years ago in high school when I told the teacher I assumed something. He said, "You just take apart the word 'assume' and you end up with three words. That's exactly what it does to you every time you assume anything."

Mr. Conway: Since the particular judgement in question is dated at Toronto, July 6, 1977, and since the Ministry of Health has been under regular and sometimes rather intensive questioning about this entire matter in the last three weeks, am I to assume that no one in the Health Disciplines Board thought to draw this to the attention of the minister or the senior members of his staff? No one knew that this judgement, which was four or five months old, in fact existed and clearly contradicted many of the impressions which had been left as a result of estimates discussion and some questions raised in this House?

Hon. Mr. Timbrell: With respect, Mr. Speaker, I really do take exception to some of the bridges the member tries to make of these things. I don't recall that we discussed hospital records in estimates under the

Public Hospitals Act. Let's make that clear from the start.

Secondly, the other night when I left cabinet for a while a reporter asked me about this, and I was mistaken when I said that I didn't recall having seen that particular one. When I checked the next morning, once the office was open again and the files were open, I found that in fact that one had been referred to the ministry by the board at about that time, I can't recall a date, and that action had been begun then with the hospital association. In fact it has been followed up, as I have been describing, with circularization by the hospital association of their members and our plans to pursue it with the hospital association at individual hospitals.

Mr. Conway: Supplementary.

Mr. Lewis: Mr. Speaker, if I may, one last supplementary—I am sorry, the member for Renfrew North triggers a recollection with his supplementary.

I would like to ask the minister: The last paragraph of this judgement, dated July 6, so many months ago, says: "Dr. X informed the board that the hospital made its x-rays available to him without any inquiry as to whether he had the patient's consent or a court order. The board believes this may constitute a violation of the Public Hospitals Act and recommends that the matter be investigated by the appropriate authorities."

Has it been investigated? Who were the appropriate authorities? What happened?

Hon. Mr. Timbrell: It is under investigation.

Mr. Swart: As of yesterday?

Hon. Mr. Timbrell: It is just about complete. A number of individual things have come up over the last few days that I have asked for numbers on and so forth. I think we will probably be in a position by early next week to give the member a definitive answer on all aspects of that, and on what has been done with that particular hospital.

Mr. S. Smith: How can the minister, Mr. Speaker, have any confidence at all in the Health Disciplines Board, when its judgement points out such things as "records with respect to a certain patient, who was not, incidentally, the doctor's own patient?"

Surely the minister would agree with me, Mr. Speaker, that if doctors were required to give a signed subpoena or something every time they wanted a patient's record in the hospital, the hospital would grind to a halt. Doctors must know the difference between asking for their own patient's case and asking for a case with which they have absolutely no professional business.

Mr. Speaker: The question has been asked.

Mr. S. Smith: If the Health Disciplines Board sees that as an incidental matter, how can you have any confidence in that board at all in these matters?

Hon. Mr. Timbrell: Mr. Speaker, I think we all accept the gravity of it, and with respect I don't believe that the words "incidental matter" are used.

Mr. S. Smith: Incidentally, incidentally.

Hon. Mr. Timbrell: As I read it, the judgement of the board was that, sufficient doubt was raised by the doctor's statement that he assumed he had that authority.

What I am saying to the member, and what I said earlier, is that I am concerned about that assumption. There should be no grounds for that assumption, it should be very clear cut in the operation of the medical records facilities in hospitals that you either have a consent or you don't.

Mr. Speaker: Final supplementary. The hon. member for Parkdale.

Mr. Duksza: Can the minister tell me the present stage of proposals to computerize the psychiatric records for psychiatric patients in provincial psychiatric hospitals? This in the past led to serious objections from the staff on the same grounds of confidentiality.

Hon. Mr. Timbrell: Offhand, Mr. Speaker, I am not sure of the status of that, whether it has gone any further than being a proposal for discussion. I will get the information for the member.

[2:30]

RADIATION LEVELS

Mr. Lewis: Yes; that took quite some time, Mr. Speaker; I'll try to be brief.

I would like to put a question, if I could, to the Minister of the Environment, albeit his involvement is perhaps peripheral.

Did the minister notice the story in today's newspapers about the group of scientists in the United States who found that the exposure to even very low level radiation in nuclear facilities in nuclear refineries had apparently caused a startling increase in the incidence of cancer among the work force and that the levels which have been commonplace in the United States and Canada may, in fact, constitute a terrible hazard? Is it possible that information can be acted upon quickly by the Minister of the Environment and the Minister of Labour (B. Stephenson)?

Hon. Mr. Kerr: I haven't had a chance to read that particular article in today's paper. However, it deals mainly with occupational

health. Certainly I will get the article and refer it to people within my ministry and also discuss it with the Minister of Labour.

Mr. Lewis: By way of a quick supplementary, may I ask the minister, just so that it is acted on quickly, to look at it in the context that the levels that resulted in this disability are one-tenth the levels of exposure in Ontario at the moment. Also, he should note that we have just now, for the first time, two cases of cancer of this kind coming out of the Port Hope refinery which are before the Workman's Compensation Board. Since the minister is so deeply involved in the whole nuclear development program, would it be possible for him to pursue it in that context?

Hon. Mr. Kerr: I think the hon. member is aware there have been a number of papers of this kind dealing with low level radiation and cancer. I would think there would be some expertise, not only within my ministry but within Labour and Health dealing with this subject. We can put everything together, compile it, and have some sort of a provincial stance on it.

MISCONDUCT BY POLICE

Mr. Stong: Thank you, Mr. Speaker. I have a question of the Solicitor General. Is the minister aware of a letter being circulated among the lawyers of the regional municipality of York on the stationery of the North York Law Association and over the signature of the secretary, Mr. Clark Smith? The first sentence reads, "Certain members of the North York Law Association have advised the executive that cases of misconduct by the York Regional Police Department have become so frequent and involve so many police officers that they are gravely concerned about the standard of police protection in the region."

If the Solicitor General is not aware of this letter, I am prepared to give him a copy. At any rate, is the Solicitor General prepared to have a representative of his ministry attend the meeting suggested in this letter so that if any investigation is warranted it can be conducted by the ministry?

Hon. Mr. MacBeth: I thank the member for bringing that to my attention. I have not seen the letter and I will be glad to have a copy of it. I don't know whether the correct procedure would be for someone from the OPC to attend, but we certainly will follow it up, either through the OPC or by direct police representation.

RADIATION LEVELS

Mr. Cassidy: A question of the Minister of the Environment: In view of the discovery of background radiation in a subdivision in Ottawa, in March township, and the possibility of that existing in other subdivisions across the province, what steps are being taken by the ministry to determine the existence of this background radiation in existing and in future subdivisions? And further, what steps is the minister planning to take in order to protect the health of the individuals who are directly affected?

Hon. Mr. Kerr: Mr. Speaker, the home owners in question have been notified. Any home owners living where levels of radiation above our criteria have been found have been notified. This is natural radiation, as the hon. member probably knows. It may extend beyond the 343 homes that have been surveyed to date. I understand the federal agency, the radiation agency that is undertaking these studies, will continue its survey.

Because it is natural radiation, I think there will have to be some decision involving not only the federal government and the local government but the home owners as well. I think any decision will have very far-reaching consequences and will set a precedent as far as cost is concerned. I think, however, it is our responsibility to indicate to the home owners how the problem can be solved and what can be done to the structure itself to lower the radiation and make sure their levels are safe.

I think that would be the first thing we should do and we're attempting to do that by way of a public meeting, which I believe was held last night. There will be further information given to the home owners who have been advised about high levels, and then the decision as to whatever cost is involved will have to be made by the two levels of government and the home owners.

Mr. Cassidy: Supplementary: Will future subdivision sites across the province be checked for natural background radiation? Is this not part of the ministry's plans, in order that this problem does not reoccur?

Hon. Mr. Kerr: Wherever high levels of radiation are suspected, certainly it will be incumbent upon some level of government to notify not only home owners but also potential developers and subdividers in the area. I understand that this result in March township, for example, will pretty well affect the development that's going on at the present time. However, I don't think the situation exists in all parts of the province, but there's

definitely a vein of radiation through that part of Ontario. So it's quite possible that before subdivisions or housing developments are approved in the future they'll have to have some sort of a certificate indicating there's no radiation problem.

Mr. Speaker: The hon. member for Simcoe East with a new question.

Mr. Foulds: Supplementary, Mr. Speaker.

Mr. Speaker: We've had enough supplementaries.

Mr. Foulds: We've had only one.

Mr. Speaker: That's right.

HURONIA REGIONAL CENTRE

Mr. G. E. Smith: Mr. Speaker, I have a question for the Minister of Community and Social Services. Is it true that two administrative salaries are being charged against the operational budget of the Huronia Regional Centre? I'm referring, of course, to the existing administrator and the salary of the former administrator.

Hon. Mr. Norton: Mr. Speaker, it is my understanding at the present time, I suppose one might say as a bookkeeping entry, that the former administrator at Huronia still appears to be being paid his salary from that facility; but I can assure the hon. member that there is a chargeback arrangement with the division of the ministry for which the administrator is now working, and that chargeback will be retroactive and it will not have any direct impact on the budget of the facility at Huronia.

Mr. G. E. Smith: Supplementary: In view of the fact that at least two important maintenance positions that are vacant now due to attrition have not been filled due to restraints in the salaries budget, could the minister assure me that since this \$38,000 is being transferred to another area of his ministry the local administrator and those responsible could at least take a look at replacing the important support staff that is needed?

Hon. Mr. Norton: We are presently working with the administrators of all of our facilities in reviewing, first of all, the level of staffing and also the potential impact of any needed further constraints on staff. I can assure the hon. member at this point that we are doing everything we can to preserve the level of staffing. I cannot, at this point, make a specific undertaking with respect to the two positions that he refers to, but I can assure him that an appropriate level of staffing will be maintained.

Mr. Breithaupt: Supplementary: Is the minister now able to advise us as to the current duties of the former administrator?

Hon. Mr. Norton: Mr. Speaker, of course I can, but as the hon. member may realize, I'm reluctant to discuss that, not for any reason relating to the specific duties but because of the fact that there is a case, I believe, before the Supreme Court of the province of Ontario initiated by the employee in question.

Mr. Eakins: There's always a case before the courts.

Hon. Mr. Norton: In that case, I understand, some of the relevant issues do relate to the specific duties assigned to the individual.

Mr. McClellan: The government is going to get buried in litigation over there.

Hon. Mr. Norton: Perhaps I can assure the hon. member I am satisfied that the individual in question is performing a very useful and productive service to this ministry and to administrative facilities across this province. Any reference to pencil-sharpening aside, I can assure the hon. member his duties are much more responsible than that kind of statement would involve. I suspect his contribution will be very important to the ability of our ministry to provide good advice for some of our homes for the aged across the province with respect to planning for future budgets at a time of constraint.

ABORTIONS

Mr. Sweeney: I have a question of the Minister of Health: Given that half of all the abortions performed in Canada occur here in the province of Ontario, does his ministry have any monitoring mechanism to ensure that hospital therapeutic abortion committees are carrying out their decisions in line with the intent of the Criminal Code of Canada?

Hon. Mr. Timbrell: As the hon. member knows, no abortion can legally be carried out unless it has gone through the therapeutic advisory abortion committee, I guess it's called the TAAC. We have statistics on the number of abortions which are carried out in the province and where it is a provision of the law that they must go through the TAAC of the individual hospital involved.

Mr. Sweeney: Supplementary: Does it not concern the minister that a sizeable number of doctors in this province have declared that the majority of abortions being carried

out are not for purely medical reasons but for convenience or social reasons? That's why I asked if there was any monitoring system.

Mr. Lewis: Which doctors? What group of doctors? Tell us who is the influential group of doctors?

Hon. Mr. Timbrell: I'm well aware how emotional an issue this is, and the division is along more than simple political lines; within political parties one will find shades of opinion on this issue.

The means by which the committee would review applications are set out by the federal government in the Criminal Code in the section which pertains to abortions. Our responsibility at the provincial level is to ensure that the law is carried out in the sense that where abortions are performed the review committees are established. We do not dictate the attitudes of the members of those committees and we don't dictate the membership. We don't dictate the attitudes and so forth of the directors of hospitals, where from time to time one does get a chief of medical staff who is either very opposed or in favour, generally speaking. In short, we do not try to tell the members of the committee what they should think.

SETTLEMENT CORPORATION

Mr. Deans: I have a question of the Minister of Housing. Would I be correct in assuming the minister has noted that Settlement Corporation is one of the builders HUDAC no longer covers under the home warranty program? Would I also be correct in assuming the minister can recall the numerous occasions that the shoddy workmanship of Settlement Corporation was brought to the attention of his ministry, either to himself or to his predecessor? Doesn't the minister feel, at this point in time, that maybe the Ministry of Housing has some responsibility to those people who purchased homes that were built by Settlement Corporation under the HOME program, homes that have proven to have in them all the shoddy workmanship and materials that have now brought about the company being refused a licence by HUDAC?

[2:45]

Hon. Mr. Rhodes: I am not aware of whether or not the particular corporation is no longer covered by HUDAC. That warranty program is not in my area of responsibility. However, I appreciate being advised of that.

Certainly I am aware of the comments that have been made by the hon. member and others concerning this particular problem. Frankly I was under the impression that we had adequately handled the situation as it relates to the particular development to which the hon. member is referring.

There are a number of developments and I was putting them all in one category, but I certainly will look into that matter for the hon. member. I believe these people are entitled to have their homes properly built and properly brought up to the standards that they had expected when they were purchased.

Mr. Deans: One supplementary question if I may: Given that the HUDAC warranty program covers primarily structural rather than what they would term cosmetic problems with regard to the home itself, would the minister instruct his ministry to go and review the houses built in what was previously called the satellite city development in Saltfleet? Would he determine for himself whether or not the workmanship there is up to the standards which he would expect? If not, would the minister take appropriate steps, notwithstanding HUDAC, which doesn't seem to deal with matters other than whether the beams are in the right place or not, to make sure the work that has been started is completed to the satisfaction and to a level—

Mr. Speaker: The question has been asked.

Mr. Deans: —that he would consider satisfactory?

Hon. Mr. Rhodes: Mr. Speaker, first of all, as I recall the HUDAC home warranty plan, I was under the impression the matters that the hon. member refers to as cosmetic were covered by the warranty for the first year and that the structural problems he refers to were for five years.

As far as the satellite city development is concerned, I am not sure whether the hon. member is referring to buildings that were built in the first project or have been recently built. Certainly I don't feel that I should be going back three, four or five years and looking at what he described as cosmetic problems.

NITRATES HAZARD

Mr. Johnson: Mr. Speaker, a question to the Minister of Agriculture: Mr. Minister, are you aware of the article appearing in the *Toronto Star*, Wednesday, November 30, reporting on the Ontario Federation of Agriculture meeting and remarks attributed to the president, Peter Hannam, and University of Guelph researcher, Don Irvine, who has a National Research Council grant to study the

effect of processing a nitrate preserved cheese? Irvine states that nitrates can produce a potent cancer-causing compound and this nitrate preservative is used in imported Dutch cheeses. The Federation of Agriculture delegates called for a ban on nitrate preservative imported cheese. Peter Hannam said that the preservative is not needed or used—

Mr. Speaker: Is there a question?

Mr. Johnson: —in the making of Canadian cheese.

Mr. Speaker: We want a question, not a statement.

Mr. Johnson: I have two questions. One, will the ministry undertake to investigate these and similar claims, and if there's a danger to the Ontario consumer in using imported cheese, inform them? And point two, would the ministry also inform the Ontario consumer that this preservative is not used in the making of Ontario cheese?

Hon. W. Newman: Mr. Speaker, I just got a notice somewhere here—I haven't read it in its entirety. But I would point out to the hon. member that if nitrates are a problem in the preservative of cheese, I would be only happy to talk to the federal people who approved of it because we can produce those same cheeses right here in the province of Ontario and it would give our dairy farmers more milk production. I certainly will look into that very thoroughly and will discuss it with the federal authorities who approved it. On the second point, I am not sure exactly what is used in production of Canadian cheese but if there are no nitrates—although they were approved by Ottawa I understand—certainly we will be glad to look into that and assure the consumers of the province of Ontario that everything is under control.

Mr. Makarchuk: Supplementary?

Mr. Speaker: The hon. minister said he would look into it and you will have an opportunity to ask an original question later on.

MINAKI LODGE

Mr. Eakins: Mr. Speaker, a question of the Premier: Speaking at the NOTO convention in Thunder Bay, he made an announcement about Minaki Lodge. Could he give us further information on the cost estimate of retaining architects to study the recreation and convention facilities at Minaki? And can he make a commitment at this time as to when construction of such facilities will take place?

Hon. Mr. Davis: Mr. Speaker, I am delighted the hon. member keeps track of what I say when I am in Thunday Bay. It was a

very pleasant evening up there last night and I ran into some mutual friends.

I did make it quite clear that we were moving ahead with the architectural concept for the recreational part and so on of Minaki. I will get that figure. I was asked by the press as to what time frame might be involved in terms of construction and completion, and I will give you the same answer I gave them; in that they understood it, it is quite obvious that you will understand it.

I said it related to the ability of this province—the economic situation, the amount of capital funding—and as a result I was not able to put any time schedule to it. But I will certainly get the estimated figure for the design work.

Mr. S. Smith: I heard the Premier on the CBC this morning.

Hon. Mr. Davis: Did the Leader of the Opposition have a supplementary? Yes; I covered it very fully.

Mr. S. Smith: I heard him. He said he would complete Minaki despite what southern Ontario thinks about it.

Hon. Mr. Davis: No; I said that I expected there would be some criticism from some people in southern Ontario—

Mr. S. Smith: Darn right.

Hon. Mr. Davis: That is just like the Leader of the Opposition; he doesn't understand the north at all, and that's one of the reasons he has so much difficulty up there.

Mr. Speaker: Order.

Mr. Eakins: Are we to assume from the remarks of the Minister of Industry and Tourism (Mr. Bennett) just a month ago that private interests are still being sought to buy the lodge; or is this architectural study being done to aid the government in its future ownership of the lodge?

Hon. Mr. Davis: I hope the hon. member, who is surely familiar with the tourist industry, personally recognizes the desirability of having the private sector, particularly a firm or organization with experience in administering a facility of this kind, involved.

I think that as he obviously is an entrepreneur himself he recognizes that it would be advisable to have the concept, at least, completed; some estimate as to time and some estimate as to ultimate cost. This would be more attractive to an entrepreneur, company, whatever term you may wish to use, in making their assessment. So if you are asking if it is still the desire of the government to have somebody move in on a partnership basis, or even a purchase, or to assume management; yes, the answer is very simple.

Mr. Conway: Have you asked Eaton's?

Hon. Mr. Davis: I don't think they are in that business.

TRAINING SCHOOL DEATH

Mr. McClellan: I have a question of the Minister of Community and Social Services. May I ask the minister, for the third time, whether he will, and when will he, produce to this House a statement with respect to the circumstances preceding the death of Robert Shepherd in the Hillcrest Training School, similar to the report produced by the Provincial Secretary for Social Development (Mrs. Birch) with respect to the suicide of Norma Dean?

Hon. Mr. Norton: As the hon. member I am sure is now aware, there has been a date set for an inquest into the matter. Especially in view of the concern I know he would share with me for the confidentiality of specific information, particularly relating to a juvenile, even though he be deceased, I know he would also share with me the concern about how the whole matter might be handled at this point.

I can assure the hon. member that the full information will be made available to the inquest. In view of the relatively short period of time before the inquest takes place I would ask that he consider bearing with me until the inquest has been held. I would be quite prepared to share the information with him at that time.

Mr. McClellan: By way of supplementary: May I ask the minister why this case is different from the case of Norma Dean, in which case we had a statement which preceded the inquest? What's the problem here?

Hon. Mr. Norton: Lacking any other explanation, I suppose the different element is perhaps the minister who is involved and the concern that I happen to have for the question of protecting the confidentiality of the records of juveniles, except when they are properly presented at an inquest or before a court as required.

Mr. Lewis: The Provincial Secretary for Social Development didn't have—

Hon. Mr. Norton: I am not commenting upon that, I am saying that is my opinion.

Mr. Lewis: You are certainly gratuitously commenting on it.

Hon. Mr. Norton: I do have a concern about that. In fact, I must say that I was even very disturbed with certain members of the staff of my ministry, who I felt exceeded the bounds of respect for the confidentiality of the records of a juvenile—although in a

minor way—about a week ago when comments were made.

Mr. Speaker: A minister named John has the answer to a question asked previously. I don't know whether it's the Solicitor General or the Minister of Housing.

Mr. Peterson: It is big John.

Mr. Gaunt: It is big John.

Hon. Mr. MacBeth: Mr. Speaker, I apologize for my informality. I must have had other things on my mind. There are a good number of Johns about this location.

Mr. Conway: What happened to John Smith?

FIRE AT JUDGE'S HOME

Hon. Mr. MacBeth: Mr. Speaker, on Tuesday the member for Wentworth North (Mr. Cunningham) asked me a question concerning a fire at the residence of Judge Stortini. A fire did occur on January 28, 1977, when the house was vacant and up for sale. It has been determined that the fire was incendiary in origin. The Fire Marshal's office, in conjunction with the Metropolitan Toronto Police, investigated the case; however, the police have not been successful in apprehending a suspect. The file has not been closed, but there will be no new developments until the police find a new lead.

The other reply I had was for the member for Port Arthur and I will hold that until he's in the House.

BARRIE-TORONTO RAIL SERVICE

Mr. Hodgson: I have a question for the Minister of Transportation and Communications.

Mr. Breough: Here we go.

Mr. Sargent: Sock it to him, Bill.

Mr. Hodgson: The minister reported in the House last week that the Richmond Hill commuter service is going along well and is expected to open in 1978—

Mr. Nixon: Good. How is the new road up there, Bill?

Mr. Hodgson: —which I'm sure all the commuters up there will be very happy about.

Mr. Makarchuk: Make this a press release.

Mr. Hodgson: The question I am asking concerns the Barrie-Toronto commuter service which has been in operation for the last four or five years.

Mr. Nixon: Is that saltpetre?

Hon. W. Newman: Do you know how to use it?

Mr. Hodgson: Does the minister know if any agreement was reached between the

province and the federal authorities regarding the commuter service initiated in Richmond Hill—was it agreed that it will be discontinued? Has he had any discussion with the federal Minister of Transport on this particular question?

Hon. Mr. Snow: No, Mr. Speaker, I have not had any discussion with the federal officials or with the CNR regarding any discontinuance of the Barrie to Toronto CNR commuter train. I'm not aware of any plans to discontinue that. As any agreement relating to that service would have been before my time in the ministry, I'd have to check to see for sure that there is no such agreement; but certainly I'm not aware of any application by CNR to discontinue. I will look into it.

Mr. Hodgson: Supplementary: Would the minister have a meeting with his federal counterpart on behalf of those 300 commuters who use that train daily from Barrie to Toronto? They are most anxious. I am getting questions from them regarding the future of that service. Would the minister have it at an early date so that we can put their minds at ease?

Hon. Mr. Snow: I'll certainly inquire into it to see if a meeting is required with Mr. Lang. If a meeting is necessary I'll certainly try to arrange one as early as possible.

SCHOOL BUS SAFETY

Mr. Worton: I have a question for the Minister of Transportation and Communications. He will recall earlier this year that I had written to him expressing concern by a number of school bus operators in regard to the difficulties they were having with vehicles that were passing their busses while their lights were flashing. They were concerned about the way in which the driver had to be identified. The minister replied and indicated that he didn't feel changes could be made.

In view of the fact that there have been a number of school boards—and they have written, no doubt, to the minister as well as to members—asking for a change in the method of laying a charge on the basis of the licence number of the vehicle rather than by identification of the driver, would the minister consult with the Solicitor General (Mr. MacBeth) to see if a solution can be found for this problem?

Hon. Mr. Snow: Yes, I will, Mr. Speaker. I'm sure there will be some difficulty in the legalities of that process of laying a charge without stopping the vehicle to identify the driver. I will not attempt to give my colleagues any legal advice, but I will consult with him.

Mr. Haggerty: I don't think we would take it anyway.

[3:00]

DISABILITY PENSIONS

Mr. Lupusella: Mr. Speaker, a question to the Minister of Community and Social Services: Can the minister explain to this House the government's policy in relation to guaranteeing benefits under the Family Benefits Act to individuals affected by chronic paranoid schizophrenia, and recognized by psychiatrists as being totally unemployable? Are they qualified to be covered by the Family Benefits Act?

Hon. Mr. Norton: Mr. Speaker, with respect to the specific condition the hon. member asks about I am not in a position to respond fully at this point; I will take that question as notice and be prepared to respond fully at a later time.

TABLING OF LEGAL DOCUMENTS

Mr. S. Smith: A question of the Attorney General, Mr. Speaker, regarding documents that he has at one time or another undertaken to provide in the House. Could he provide us with the following: First of all, the legal opinion that he has been seeking regarding what constitutes legal access by police to OHIP files? Secondly, the OMB material, the internal file on the Davies matter and all of the Treasurer's (Mr. McKeough) correspondence regarding the same matter.

Mr. Lewis: And while the Attorney General is at it what about that investigation into the NDP in the early 1970s?

Mr. S. Smith: Did they find them?

Hon. Mr. Rhodes: Good idea.

Hon. Mr. McMurtry: I recall the question related to the documents in the possession of the OMB in relation to that particular file, and had also asked questions with respect to correspondence that had been turned over to the OPP; I have not yet had a report back on that.

On the question of legal access by the police to OHIP files, I am not too sure that I quite understand that question.

Mr. S. Smith: By way of clarification, it is my recollection that the Attorney General undertook to seek a legal opinion regarding under what conditions police could legally gain access to OHIP files, and what would constitute illegal access to such files; some clarification of the matter as it is at present. It seems to me he undertook to seek such an opinion. Does he have it; if so will he share it with the House?

Hon. Mr. McMurtry: I don't think the questions were asked in those terms. I think the questions were asked as to whether there had been any breach of the health insurance legislation by employees of OHIP or anyone else; and I think the questions were asked in relation to whether there would be any prosecutions or were any prosecutions warranted.

I have received a very lengthy opinion in respect to that matter. Although I think it is generally not a good practice for the Attorney General to table legal opinions from the senior law officers of the Crown because problems can arise, I think there are occasions on which there is a great deal of public interest, understandably so, in these opinions. I have a very lengthy opinion, Mr. Speaker, which I am prepared to table. I can take the time of the House in reading it, but it would be about 20 minutes to half an hour.

Mr. S. Smith: If the Attorney General would be kind enough to table it, I'd appreciate it.

Hon. Mr. McMurtry: I'd be prepared to do that right now, Mr. Speaker.

BRIBERY CASE

Mr. di Santo: Mr. Speaker, I have a question of the Attorney General. This is a question regarding the case of bribery involving Melvin Kurtz and Marion Construction.

Since from last week's questioning it emerged there was enough evidence that both parties in this case had committed an illegality, and since this pattern was followed in five other cases, is the Attorney General now prepared to review this case?

Hon. Mr. McMurtry: Mr. Speaker, I have been asked several questions by the member opposite in relation to criminal charges that were laid in relation to the Waisberg inquiry where charges were laid three years ago. I have given, I think, quite a complete answer to the House, and I don't intend to deal with that matter any more. I think the questions have been satisfactorily answered as to what the decision of the Crown law office was three years ago in relation to laying those charges.

Mr. di Santo: I have a supplementary, Mr. Speaker.

Mr. Speaker: This has been discussed on two or three occasions in the past. We had a late show on it last week. The Attorney General at that time said he had nothing further to add. I didn't see any difference in his answer here today.

Mr. di Santo: On a point of privilege, Mr. Speaker.

Mr. Speaker: Your point of privilege?

Mr. di Santo: Since I have a new element to my previous question, I think it is my right to ask the Attorney General to answer me.

Mr. Speaker: It's your right to ask any question you want. It's the Attorney General's right to answer it in any way he deems proper.

Mr. Lewis: It's the Speaker's right to cut him off.

BOILER INSPECTION

Mr. Riddell: A question of the Minister of Consumer and Commercial Relations: Is it the intention of the Ontario government, through the Ministry of Consumer and Commercial Relations, to retain and strengthen its vital service for the inspection of boilers, pressure vessels and associated piping systems during fabrication; and for the approval and registration of manufacturers' new designs for boilers and pressure vessels; and for inspection of welding procedures and qualifications of welding operators?

Hon. Mr. Grossman: There is no question but that I am looking once again at the whole issue referred to by the member. We are far from reaching any conclusions, but yes, we are looking into the whole subject.

Mr. Gaunt: Supplementary: Is the minister aware that the industry generally seems to be prepared to pay much higher fees than the current \$20-per-hour in order to maintain this service, which they feel is quite vital to their industry?

Hon. Mr. Grossman: Yes, we are aware of the progress we have made in terms of seeing that potentially the government will be able to report on a better cost recovery for the program in the event we choose to continue it, but the simple fact that we may be able to make it indeed a profitable exercise, and one that is better for the taxpayers of the province, hasn't convinced us—

Mr. Kerrio: That will be a first.

Hon. Mr. Grossman: —that we shouldn't abandon looking into the question of whether or not that industry as well as others should be more self-regulating at this point in time.

I should reaffirm, having said that, that we are just looking into it. I have by no means recommended to my colleagues that we get out of the field; but it is fair to confirm what the rumours are about, and that is that we are looking into it once again. We will be pleased to receive the submissions of the industry affected so that they will

have full and complete input before it gets too far down the pipe. That sort of dialogue will be continuing over the next period of time. It is not urgent, but it is something we will be going into in the next few months.

Mr. Gaunt: Don't scrap it, it is a good service.

LAURENTIAN HOSPITAL BRIBERY INQUIRY

Mr. Martel: A question of the Attorney General: In view of the fact that J. P. Lebel was given and is serving a six-months sentence for accepting a bribe during the construction of Laurentian Hospital, can the Attorney General indicate whether or not the two officials who paid the bribe have, in fact, been tried yet; and if, in fact, they too have been sent to serve a little time in the "crowbar hotel"?

Mr. Germa: Or are they Tories?

Hon. Mr. McMurtry: Mr. Speaker, I don't know at this point who was charged in relation to this matter other than Mr. Lebel; or what occurred as a result if other changes have been laid.

Mr. Martel: Supplementary: Doesn't the minister believe that if an individual is charged with accepting a bribe and is sentenced that the person who pays the bribe, in fact, is as much committing an act against the law as the person who accepted the bribe? If so, then doesn't he insist that this individual should be brought to trial as well?

Hon. Mr. McMurtry: That can be the case; it depends on all of the circumstances. As I indicated in answer to a question that was asked by one of the member's colleagues, it depends on all of the circumstances. In respect to the Waisberg inquiry, I indicated what the criteria were that were applied by the Crown law office in that particular case, but it depends on all the circumstances as to whether charges will or will not be laid.

PETITION

ONTARIO PUBLIC SERVICE EMPLOYEES UNION

Mr. Van Horne: Mr. Speaker, I beg leave to present a petition from the Ontario Public Service Employees Union bearing 569 signatures. This petition presents objections to the economic principle of cutting back on public sector jobs. Local 111 of the Ontario Public Service Employees Union has discussed this concern with the member for London Centre (Mr. Peterson) the member for London South (Mr. Walker) and myself, and it was mutually

agreed that I bring this petition to the attention of the Lieutenant Governor and the members of the Assembly on behalf of Local 111.

BRIBERY CASE

Mr. di Santo: Mr. Speaker, I would like to give notice that I am not satisfied with the answer given to me by the Attorney General and I'd like to debate it at the late show.

REPORTS

SELECT COMMITTEE ON THE OMBUDSMAN

Mr. Davison from the select committee on the Ombudsman presented the committee's third report and requested that it be placed on the order paper for consideration, pursuant to provisional standing order 6.

STANDING GENERAL GOVERNMENT COMMITTEE

Mr. Gaunt from the standing general government committee reported the following resolutions:

Resolved: That supply in the following amount and to defray the expenses of the Office of the Ombudsman be granted to Her Majesty for the fiscal year ending March 31, 1978.

Office of the

Ombudsman program \$3,560,000

Resolved: That supply in the following supplementary amount and to defray the expenses of the Office of the Ombudsman be granted to Her Majesty for the fiscal year ending March 31, 1978:

Office of the

Ombudsman program \$633,500

Resolved: That supply in the following supplementary amount and to defray the expenses of the Office of the Assembly be granted to Her Majesty for the fiscal year ending March 31, 1978:

Office of the Assembly program \$3,347,600

STANDING ADMINISTRATION OF JUSTICE COMMITTEE

Mr. Philip from the standing administration of justice committee presented the committee's report which was read as follows and adopted:

Your committee begs leave to report the following bill without amendment:

Bill Pr9, An Act respecting the City of Sault Ste. Marie.

Your committee begs to report the following bills with certain amendments:

Bill Pr18, An Act respecting the City of Toronto.

Bill Pr29, An Act respecting the Township of East Zorra-Tavistock.

STANDING PROCEDURAL AFFAIRS COMMITTEE

Mr. Breagh from the standing procedural affairs committee presented the committee's report which was read as follows and adopted:

Your committee has carefully examined the following applications for private Acts and finds the notices, as published in each case, sufficient:

Loubill Hobbies and Sports Limited;
Borough of Scarborough;
City of Thunder Bay.

ROYAL ASSENT

Mr. Speaker: I beg to inform the House that in the name of Her Majesty the Queen the Honourable the Lieutenant Governor has been pleased to assent to certain bills in her chambers.

(Clerk of the House: The following are the titles of the bills to which Her Honour has assented:

Bill 91, An Act to amend The Assessment Act.

Bill 97, An Act respecting the Sandwich, Windsor and Amherstburg Railway.

Bill Pr5, An Act respecting the Village of Port McNicoll.

Bill Pr14, An Act respecting the City of Ottawa.

ORDERS OF THE DAY

PRIVATE MEMBERS' BUSINESS

PETTY TRESPASS AMENDMENT ACT

Mr. Eaton moved second reading of Bill 101, An Act to amend The Petty Trespass Act.

Mr. Eaton: In recent years farmers have been exhibiting a growing concern regarding property rights for owners of private land. It is for this reason that I introduced into this House two weeks ago a private bill to deal with petty trespassing.

I submit that the legal framework and otherwise must meet the needs of our time. I'm sure, Mr. Speaker, that members of this House can look back to a time when intruders on private property, especially poachers, were dealt with very harshly. I'm not saying we

should return to that kind of harsh treatment but we should have penalties that deal with poaching. We must establish a deterrent for those who abuse and violate the rights of other people's property.

At least 99 per cent of the land in southern Ontario is currently privately owned. It is the landowners who we are trying to protect in this bill. The purpose of this bill is to remove from requirements for petty trespass that land be enclosed or that land must be posted before one can be considered a trespasser. The proposed legislation places the onus on persons to ask permission to enter on another person's land and to increase the maximum fine to \$1,000 from the present \$100.

To many, my proposal to increase the maximum fine to \$1,000 may seem excessive but it is designed to act as a deterrent and to give the current legislation some teeth. Let me remind the hon. members of this House that the amount of this fine is still left to the discretion of a judge hearing the individual case.

The bill also removes from the property owner any liability to trespassers unless he deliberately, with intent, tries to do harm to a trespasser who might be involved. As the situation is now, this province's rural community is virtually powerless to stop trespassers. When police are called, farmers and landowners are told that charges must be laid under the Petty Trespass Act which means that the wronged landowner must lay charges himself and pay legal costs.

I think the farm leaders now feel, as they have in the past presented a number of proposals to the government, that action should be taken. I think they now feel, they have, in the past, had few court cases where a conviction could take place for trespassing on posted land.

May I quote from the November issue of *Farm and Country*.

"Over the past five years or so, the number of unpleasant hunting incidents has escalated to a point where many farmers, often themselves hunters, dread the advent of the deer, moose, goose and other hunting seasons. Arrivals from cities and towns, swarm across their land; crops are trampled; livestock shot and pet wildlife gunned down. Almost without exception, the marauders invade crop land and bush land without bothering to contact the owners for permission to go on that land.

"Ironically, a simple call to many of those farm owners would get them permission to go on the land. It's been estimated that in 95 per cent of all cases, bona fide sportsmen

are given approval to go on private property and cross land without reservation. After all, most of these polite visitors are members of the Ontario Federation and Anglers and Hunters and they produce identity cards and insurance slips freeing the farmer from all responsibility in the event of an accident."

However, the publication well points out that there are many rogue hunters, the ones who are trigger-happy and who refuse to abide by the strict code observed by many honourable sportsmen and who have no intention of keeping within the rule limits that may be applied to them. They respect no one's private property and feel that they can do as they please on lands in this province.

By asking permission, they would put themselves in a position of being able to be identified, which they don't want to be.

I'm critical not only of these rogue hunters who do this type of thing but of the pilferer, the one who stops alongside an orchard or a field of sweet corn and decides that they can get their provisions there. Recent examples of this kind of an incident can be found in many rural areas in the province, and especially in the fruit belt of Niagara region where posted signs have been ignored, torn down, with complete disregard for the private orchards in that area.

Granted, some of the thefts may be minor in nature. They may be a young person going in and stealing some apples, that sort of thing; but then there are incidents that are significant, and the fact that there are continuing incidents on the same property can amount to great loss to the producers.

In my riding, for example, I want to refer to an incident a constituent of mine had in his dealings with the law when he apprehended someone who was stealing apples—in fact he had a full bushel of them. He couldn't charge him as a trespasser, because although he had the land posted, the signs had been torn down. He had no fences around the property, because it's an orchard and why go to the cost of enclosing it.

This is the example: He charged him, took him to court for theft; I guess it would then be a criminal offence. I want to read from the letter.

"I am sending you a copy of this to show you the attitude towards such a charge. Our annual losses are in the neighbourhood of 1,000 to 1,500 bushels of apples per year."

A lot of incidents happen maybe where kids come in and you chase them out so it's not that great a problem, but listen to this: "Usually the police will come and pick

them up and we hear no more of the matter. When they are taken to court we have to prove their guilt and state the value of the apples at the time they were stolen. I have also had six charges dismissed. I think it's a bad reflection on our courts. Six charges dismissed because the judge said: 'I used to steal apples when I was a kid.'"

Imagine a judge saying that on the bench. I would hope the Attorney General takes note of that one.

"I am writing this letter in the hope that somehow you can put an end to these tremendous losses and aggravations. If possible, an automatic fine for trespassing," and so on.

In this particular case the judge said: "I don't want this chap to have a criminal offence so what I am going to do is have him pay you back and write a letter of apology." I want to read that letter of apology.

"Dear Sir: One of the conditions for my discharge of your stupid charge was that I pay you \$4.28 for the approximate value of the bushel of apples. I have also generously enclosed a bonus of one cent to help make up your other losses due to other criminals like myself that help themselves to your apples. I hope your next season isn't as badly stricken with inconsiderate thieves as seems to have been the pattern." And then he says: "P.S. Praying for a frosty spring."

You know, I think the judge should have had enough sense to at least make that letter of apology come through him so he would know what kind of a response he was getting. And I would like to read into the record the name of the gentleman who signed that letter; G. Nevison of 85 Cove Road in London.

You know he got off very easy through the judge and then wrote a letter like that. That's the kind of regard that some people have for private property and other people's produce that they are stealing; this is just an indication. There's one example, and the man has 1,000 to 1,500 like that in a year, of people coming on to his property and taking his produce.

I think this is the kind of example we need to provide some teeth, so that a person can protect his private property, he can charge that person for trespassing. The alleged trespasser wouldn't have any criminal record over it, but he could be subject to a reasonable and decent fine; and he would have some recourse, by having the property owner have to go into court and prove that person didn't have any permission to be on his property.

Mr. Speaker, the province's Motorized Snow Vehicles Act was designed to overcome many of the problems, but of course that legislation was limited to snowmobiles only. My legislation, if approved by this House, follows the thinking of the snowmobile legislation, which has worked very well with our people involved in the snowmobile sport. They have been able to get permission as clubs; they have been able to go across trails. And, I tell you, the complaints since that legislation have dropped off completely. It has made a much better relationship between those clubs and the community.

I think the fines that have been in there are wholly unrealistic and for that reason I have recommended that the maximum be increased to \$1,000. Hopefully, the judges would make use of those penalties.

I want to refer to some other correspondence that I have had, much in support of this bill going ahead, including a letter from the Fund for Animals Incorporated. I think many of the members have received that letter, indicating a strong support for the legislation being passed, and citing further examples of some of the disregard for private property.

Another letter, from Richards Landing, Ontario, asks that all MPPs support this legislation and points out the kind of problems that they have had. I think this is interesting, because I know we are going to hear about the night hunters. One gentleman lost calves because the cows aborted when chased by the hounds running across his land; they were chasing coons in the night. I think this complaint is something to be considered.

A further letter, from the Ontario Secondary School Headmasters Council, points out how this legislation could be used for their purposes in protecting school property and to put some teeth into the Trespass Act for them, on which they have, on occasion, had to rely when charging people.

I have a number of further letters but I won't go into them all because there is quite a considerable pile of them.

I do want to refer, however, to the letter that came in from the only group that is really opposed to it: the Grey-Bruce Night Hunters Association of Owen Sound. They point out that they support many aspects of the bill, except for the written permission. But the key to the whole bill is having written permission to go on someone else's private property. This association points out how responsible it is, and that they are good sportsmen. They want to co-operate with the people in their area. Well, if they really want to co-operate, all they have to do is go through the

area when they are not in the hunting season, make arrangements with the property owners, and get permission.

I assure you that there is no intent in this bill whatsoever to stop the legitimate sportsman, the legitimate hunter, from going out in the country and having a good time. It is only to make him responsible to those people who own the property. They point out that they feel there are no problems in their area, and I think my colleague from Wellington-Dufferin-Peel (Mr. Johnson), who lives close to that area, will have something to say in that regard.

So, Mr. Speaker, there is strong support for this bill. I think it will be of service to the people who need protection for their private rights and for the land they own in this province. All the outdoor recreation that has gone on can still go on. It can go on with co-operation. And those who are breaking the law, those who are causing the problems, can be dealt with by force. I urge the members of this House to support this legislation.

Mr. Deputy Speaker: I would ask the member for Middlesex, does he care to reserve the balance of his time?

Mr. Eaton: Yes. How much is there?

Mr. Deputy Speaker: Six minutes.

Mr. Riddell: I rise to support Bill 101, An Act to amend the Petty Trespass Act. I would just like to say that it is gratifying to know that some of our curiously archaic laws are in the process of being amended. One not only has to look at the liquor laws in this province to understand the antiquated performance of this government; but other laws, particularly the Petty Trespass Act, are as outdated as the horse and buggy. Under the existing Act, all land in Ontario is virtually open to the use of public unless it is enclosed or is a garden or farm or bears no trespassing posters or signboards so placed as to be visible from every point of access to the land.

[3:30]

This law as it now stands protects city and town dwellers very nicely, but it makes available to the public the farmer's fields and woods unless he goes to the trouble and expense of posting signs to the contrary. Signs are costly and unsightly. They have to be posted so that they are clearly visible from all angles, but also high enough so that they cannot be torn down.

Despite the locations of the signs, they are subject to damage or removal by whatever means and the property then becomes open to the public, including those who stole the signs. All farmers have horror stories of

trespassers making free with their property: Domestic ducks and geese are shot; cattle and other livestock are wounded or killed; fences are cut; gates are left open and garbage is strewn around the fields, including bottles, which play havoc with the tires of the farm vehicles which pass over the land.

Under the Act, hunters are free to use the farmer's land unless they hunt in packs of more than 12, and only then do they have to obtain permission. When the Act was drafted, no doubt most of Ontario was unoccupied land and an important source of food supply. Now virtually all the province is under ownership of one kind or another.

Mr. Foulds: Not so.

Mr. Nixon: We're talking about arable land. Those beautiful rocks and trees of the north are different.

Mr. Foulds: That's true.

Mr. Riddell: The forest is no longer a source of food, yet this outdated law still dominates the rural areas of Ontario. In the fall, the farmer has to become almost a vigilante to protect his property and the life upon it. The police advise that if farmers hear shooting to call either them or the Ministry of Natural Resources and to record the licence numbers of any vehicles parked nearby. Even then the trespasser cannot be convicted. Where the person trespassing acted under a fair and reasonable supposition he had a right to trespass, which opens up an even wider gap in the field, the penalty is a fine of not under \$10 and not over \$100.

With the advent of the snowmobile the province has taken a different view. Under the Motorized Snow Vehicles Act, 1974, snowmobilers must obtain written permission before opening trails over a farmer's field. In their own best interest, snowmobile clubs try to police their own trails, repairing any damage the members might do. But once the trail is open, all kinds of people use it, lawfully or otherwise, and do so at all hours of the day and night.

The time has long since passed when rural Ontario should provide a playground for the province. There is enough publicly owned land so that snowmobile trails can be opened and hunting areas designated. The farmers have had many occasions to become militant but, being people of great wisdom and good judgement, they bring their concerns to the attention of the farm organizations which represent them. As a result of discussion at federation meetings, the Ontario Federation of Agriculture submitted a brief to the Attorney General on the subject of trespass and farmers' liability.

This prompted the member for Middlesex (Mr. Eaton) to introduce a bill which places the onus on persons to ask permission to enter another person's land and increases the maximum fine to \$1,000 from the present \$100. It removes the requirement from the Act that land be enclosed or that land be posted before one can be considered a trespasser. It removes liability from a property owner for trespassers unless deliberate intent to do harm to the trespasser is involved.

I'm a little surprised that a private member's bill had to be introduced to amend the Act. As far back as December, 1976, I wrote a letter and directed it to the Attorney General's office asking that the Act be brought under review and amended. I received a reply from Mr. Scott McAuley of the Ministry of the Attorney General, dated February 14, 1977. He indicates that: "After reviewing the material, it is apparent that Mr. Booth's concern"—and the letter originally went to Mr. Booth—"is with apparent deficiencies in the Ontario Petty Trespass Act. In view of those apparent deficiencies in the Act he would, I take it, like to see some kind of legislative reform. Accordingly I have taken the liberty of forwarding those materials to Archie Campbell, senior crown counsel."

The letter got into the hands of a Stephen Fram, counsel, policy development division of the Ministry of the Attorney General. He says:

"Dear Mr. Riddell: Your inquiry with respect to the Petty Trespass Act has been forwarded to the policy development division of this ministry and I have been asked to reply.

"An intensive examination of the law and issues related to both the liability of occupiers of land to entrance on to their premises and the rights of occupiers against trespassers is underway within the ministry. The problems of such occupiers are being addressed, and hopefully some relevant legal reform will result."

That was back in March 1977. The Attorney General still did not introduce any amendments to the Act. I don't know why he is sitting back to have a private member introduce this bill, but here we have it.

The amendments to the Petty Trespass Act are supportable, admitting that there are those individuals who do have some reservations about the clause, which would require that every person who unlawfully enters or in any other way trespasses upon another person's land must obtain written permission.

Some of the anglers and hunters feel that this is unduly harsh particularly in the northern part of the province where bound-

aries are obscure and where the owner of such property cannot be located. I received today a letter from the Ontario Federation of Anglers and Hunters, and I would just like to quote from the third paragraph of that letter:

"To insist on written permission from the landowner before entry can be made on land whether posted or otherwise, we find this change to be completely unacceptable. No doubt in Mr. Eaton's riding, land may be clearly defined and landowners easy to locate. However, in the majority of Ontario this is not the case. Witness eastern Ontario, northern Ontario, the areas around Georgian Bay, the areas north of Highway 7 in central Ontario, and many others. In these areas one often cannot tell where property lines are. Often the landowners are non-resident. Even more often the landowner doesn't care if his land is used and doesn't want people bothering him for written permission. Bill 101 just will not work for these areas unless the land is posted.

"When we questioned Mr. Eaton about this particular aspect of the bill, Mr. Eaton suggested that landowners in these areas likely wouldn't lay charges so we shouldn't worry about it. In other words the public could break the law, but not worry about it unless they were caught or charges laid,"—

Mr. Kerrio: That is hard to believe.

Mr. Riddell:—"hardly a suitable ethic for an honest public to follow." I really think that statement, coming from a legislator, is highly irresponsible.

Mr. Eaton: That wasn't quite the way it was stated.

Mr. Swart: I believe the anglers and the hunters.

Mr. Riddell: Let me tell you this, I really don't think that it would be too difficult for anglers or hunters or any other trespassers to get written permission, even though they got it months before they ever intended to travel on that land to hunt. The chances are they are in northern Ontario on many occasions and they have to simply look up the owner and get his permission in order to trespass on that land, indicating to him that they will be probably on his land at a certain time.

Mr. Deputy Speaker: The hon. member's time has expired.

Mr. Riddell: I'll just finish off. Once he receives that permission, then he is acting within the law. So I would have to support the bill as it is written, all aspects of it.

Mr. Wildman: Mr. Speaker, I rise in support of this bill, although I must say I regret what I consider to be the necessity of this amendment to the Petty Trespass Act. I have some grave reservations, however, about certain sections of the bill which were referred to by the previous speaker. He discounted some very important points raised by the Federation of Anglers and Hunters.

I support the bill because of the fact that land-owners, especially farmers in the rural areas of the province, including my own riding, have found a great deal of problems with people who perhaps haven't grown up in the country or aren't from the country. These people don't really understand some of the problems faced by rural dwellers or by farmers.

Also, I suppose with the legislation as it stands today, unamended, some people discount the possibility of a small fine, especially when it is difficult to be convicted. So I support the principle of the bill. However, as I said, I have some grave reservations about certain sections of the bill as it is presented.

Mr. Samis: Only two Tories in the House.

Mr. Kerrio: Only two?

Mr. Wildman: I have had contact from a number of people in my riding in regard to this legislation. I have received the material that has been referred to by the two previous speakers as well. Beef producers in my riding are quite concerned about the fact that—

Mr. Kerrio: Free vote on this one?

Mr. Samis: We'll see.

Mr. Kerrio: That's a switch.

Mr. Wildman: I am sure, Mr. Speaker, that all private members' bills involve free votes.

Mr. Samis: On one side only.

Mr. Wildman: However, the beef producers in my area have had some difficulty with loss of livestock during hunting season. Other farmers have had their crops trampled, as was referred to by one of the previous speakers. In that sense, I feel some change in the legislation is required.

However, I want to point out, that the people we are talking about, the ones that are involved in wilful trespass and wilful damage, are certainly not the responsible hunters. The people who go out into the bush and the countryside during hunting season each year are well trained with firearms and know exactly what they are doing. In most cases they respect the property that they are crossing and they ensure that they don't

damage property. We are dealing with what I hope, and I am sure, is a minority of people but who have caused some serious problems for the farm community.

One of the basic questions I have about the Act as it stands is, is the section which is deleting the requirement for fencing or enclosure and posting. Now I know that the Federation of Agriculture that supports the intent of the legislation, as I do, has indicated that it is very expensive to fence land and in many cases farm techniques today don't require it. That is certainly true. But I want to emphasize what the letter from the Federation of Anglers and Hunters has pointed out, that in northern Ontario, at least where I come from, there are very large tracts of Crown land.

Mr. Eaton: That is not covered, the Crown lands.

Mr. Wildman: I know but the problem is the hunter may be on Crown land. He may be going through the bush, come to a clearing—and if it isn't posted in some way, he doesn't know if this clearing is Crown land or private property—and he may cross that property thinking it is still Crown land and be in violation of this Act as it stands. That is a serious problem. I know it is not a problem in relation to beef producers, obviously most of the land they are using, certainly the land they are using for grazing, will be fenced; and it is probably not a problem in southern Ontario where there probably is very little Crown land and most land is probably fenced and there is demarcation.

However, I think if we are going to assist the farmer and the rural dweller by amending this Act, it should be incumbent upon them to at least post land and indicate that it is private property. The bill as it stands, if it does pass, requires them to get permission in order to cross that piece of property. I don't think that's incompatible with the principle of the bill. If this bill passes second reading, I would be introducing an amendment at committee stage to indicate that I feel, as has been suggested in this letter by the Ontario Federation of Anglers and Hunters, that land should be posted.

For that matter, one of the main problems I've had mentioned to me by beef producers in my area about people who cross their land without permission is that they damage fences. It's not that they don't want the area unenclosed or that they want to be able to keep people from crossing unenclosed land, but the fact is some very irresponsible people actually cut fences.

I know that is covered by the new Motorized Snow Vehicles Act covering snowmobiles,

but some people are irresponsible enough and probably misunderstand the rural life so much that they cut fences and feel these things are encumbrances to them. They don't care about the person who put up the fence. Besides the very expensive proposition of repairing fences, there is another very serious problem. If cattle get out and onto a public roadway and someone comes along, hits a cow and damages his car, then the farmer is responsible. For that reason, I think I must support this bill, but I don't think it's incompatible with it to say we should have posting. I believe we should.

I want to point out there are individuals, other than farmers in my riding or the Ontario Federation of Agriculture, who support this bill or at least have indicated they are in favour of changes, probably because they feel very few hunters would be convicted anyway because they would hope most would respect the law.

At any rate, I refer to an article in *Farm and Country* in November that quoted J. A. Shannon, director of the wildlife services section in the Ministry of Natural Resources, who indicated the ministry is most concerned about the destruction on farms. He says people who do this are not real hunters but criminals and should be treated as criminals. When I see the destruction of livestock and fences, I have to agree with that sentiment. It's certainly true that at least the Ministry of Natural Resources supports the change in the law.

I also want to point out that quoted in that same article is Rick Morgan, executive director of the Ontario Federation of Anglers and Hunters. He says his organization would favour "anything to make the lunatics clean up their act." He says the federation has been fighting for good hunting conduct for years. He is very concerned about the damages done on farms and in the rural community over the years by irresponsible hunters.

I understand the federation probably does not represent significant numbers of hunters. I think it's important to realize that is an organization of very responsible people who want to protect their sport but at the same time don't want to hurt others. It's significant they would support the legislation. He indicates hunters would welcome a government move—we don't have a government move but we've got a private member's move here which I suppose he would support as well—putting trespass on the same basis as the snowmobile trespass legislation calling for written permission to cross land.

I support this because it does follow through with the snowmobile legislation and

it does increase the fine substantially. I think we must do this. I want to point out just in closing that in areas like the north where we have large expanses of Crown land we do have a tradition where hunters are not allowed to trespass on Indian reserves.

Mr. Deputy Speaker: The member's time has expired.

Mr. Wildman: Indian reserves have never had any difficulty in posting and saying that it's Indian land and there should be no trespassing. I think this is good legislation as it is but we should deal with the question of posting. I would support the principle but try to amend it at committee stage.

Mr. Johnson: Mr. Speaker, in rising to support Bill 101, An Act to amend the Petty Trespass Act, it is my hope and the hope of my colleague from Middlesex to rectify a situation which has caused considerable concern among rural property holders. I'm certain that every member in this Legislature is aware of the problems facing owners and occupiers of rural lands with respect to property rights.

During the past few decades, increased demand for more recreational land from a larger and more mobile public has increased the incidence of trespass on rural properties. This has resulted in damage to property, equipment and livestock. In some instances, it has also resulted in accidents to those trespassers unfamiliar with the land and farm equipment and sometimes, illness to those unaware of the chemicals used to protect crops in the normal day to day operation of the farm.

The purpose of this bill is to rectify this situation by removing from the Petty Trespass Act, the stipulation which requires that land be enclosed or posted before an intruder can be charged with trespassing.

Enclosing and posting, as I'm certain all members are aware, are costly processes. Often posted signs are destroyed and need to be replaced. With the current trend towards expanding single-farm operations by adding two or three farms to the operation, often located at a distance from the central farm, enclosing is not always feasible.

This legislation, when passed, will alleviate this problem by placing the onus upon the person wishing to use the land to obtain permission from the owner or occupier of that land.

I might also add that members of the Ontario Federation of Anglers and Hunters who produce identity cards and insurance slips freeing the owner from liability generally report that permission is granted. In its present form the Petty Trespass Act leaves the property owner or occupier almost powerless to

prevent intruders from trespassing upon his land. When authorities are called, the landowner is informed that he himself must lay charges and also absorb the legal costs in doing so.

The current feeling among farmers is that the courts are reluctant to convict under this Act whether the land is enclosed or posted. It is for this reason that we're recommending that the fine for conviction under this Act be raised to a maximum of \$1,000. This would provide a greater impetus on the part of the law enforcement agencies to convict under the Act.

The proposed amendment to the Petty Trespass Act contained in Bill 101 would also relieve the farmer of liability, should an accident occur to a trespasser on his property, unless there was a deliberate attempt made to cause injury to the transgressor. I believe this liability section is one of the most important in the bill.

The proposed amendments contained in this bill would be welcomed by the farming community. I'd like to read from an article in the Mount Forest Confederate dated November 23:

"Ontario Federation of Agriculture president Peter Hannam thinks the bill to amend the Petty Trespass Act is just great. 'I'm delighted to see the bill in there,' said Mr. Hannam. 'It's long overdue and badly needed.'

"Mr. Hannon explained that in his opinion the new bill should contain two main elements in order to make it effective. First, the whole concept of 'trespass', as it stands now, be turned around so that the onus is on the trespasser to prove that he has permission.

"The second point that must be in the new bill is 'a change in liability.' As it stands now, the landowner can be liable for injuries sustained by a trespasser while trespassing."

This bill satisfies both concerns.

I have also received a letter from the Grey Federation of Agriculture endorsing the bill and I can understand and appreciate their concerns.

At this time I would like to draw the members' attention to a letter I assume we all received. It's the letter referred to earlier by my colleague from Middlesex from the Grey-Bruce Night Hunters. I won't go into all of it, but I would like to cite a few paragraphs.

One, they don't think this is a matter for provincial legislation, but should be a matter for each township concerned. "Certainly some townships have had problems. Those problem townships have generally been those close to large urban development. The counties of

Grey and Bruce have not had these problems to any extent as of yet."

This is not true. I cannot speak for Bruce but Grey does have a problem and a very serious problem, examples of which I will refer to in a minute.

However, I am pleased to see that this association does support two other main points of this bill. One, the increase of the penalty to a maximum of \$1,000, they endorse. The other, they support making the landowner not liable for accidents on his property but to place the onus on the trespasser. We agree wholeheartedly with this proposal. So they agree with two out of three.

They are reluctant to support the point on written permission. The majority of hunters show regard for the property of others and display a common courtesy of asking permission to use a farmer's land. In fact, I believe it states right in the hunting licence that you do have to have permission. It doesn't say written permission, but you should have permission to hunt.

The problem is that we have heard too often of rogue hunters who do not ask for permission and destroy property and practically do what they want on private land. This is one of the concerns. These people have done a great deal of damage to the reputation of hunters in general and bring an atmosphere of concern over the farming community as the hunting season approaches. Recent articles in Farm and Country brought this point home all too well, as they described the cases of some farmers who suffer damage to crops and livestock because of the weakness of this Petty Trespass Act. One such case pointed to an instance where a flock of wild Canadian geese were butchered from a flock of 200 down to some 28, despite the fact they were on posted property. This act occurred in Holstein in Grey county, just a few miles from my home in Mount Forest on a farm owned by personal friends, Jim and John Calder. The trespassers not only slaughtered Calder's tame geese but they also butchered their tame deer Buckey, and the following story appeared in Farm and Country, Tuesday, November 15:

"A completely tame deer, Buckey, was shot by a trespasser. To get at him, a poacher cut away an eight foot high fence, drove the frightened animal into the open and then blasted it with a 16 gauge shotgun. This is not the first deer killed in the Calder enclosure but the 13th. Others had been shot from the road and then left to die."

It is a situation such as this that amendments to the Petty Trespass Act are intended

to remedy. The changes in this Act, however, will not prevent cases such as this from occurring in the future. Unfortunately there will always be those who do not have regard for private property among us. In these cases the property user will have redress under the law to an extent which reflects the times. As the times change, and they are changing, we in the House have a responsibility to assure our laws keep pace with them. The member for Huron-Middlesex (Mr. Riddell) mentioned this earlier and I agree with him.

I have one final point to make. I believe the amendments to the Petty Trespass Act are also in the interests of the public. While it is only common courtesy to obtain permission to use someone else's land, many do not. In protecting property rights, we are protecting a right which is fundamental to our basic way of life. It is a value which I also think we sometimes take for granted. Let us protect that right. I urge all member of this Legislature to let this bill go to third reading and be passed into law today, not tomorrow or some distant time.

[4:00]

Mr. Samis: Four Tories in the House.

Mr. Swart: No, there's quite a lot of them down there.

Mr. McKessock: It is a pleasure for me to rise and speak in favour of the principle of Bill 101, An Act to amend the Petty Trespass Act.

Legislation to change the Petty Trespass Act is long overdue, and I congratulate the member for bringing it forth. The amount of the fine for illegal trespassing is to change from \$100 to up to \$1,000. This is needed to give the judges something to work on for repeat offences. Too many of our fines are too low and serve only as a fee to break the law, rather than a fine or a deterrent to ward off future convictions.

The liability is to be taken off the landowner for any accidents that might occur to the person walking on his land, except in the case of a deliberate intent to harm the trespasser. This change is very important, because there is no way a landowner should be responsible for accidents incurred by a trespasser, whether he has permission to enter the property or not. Section 2 of the bill, amending section 6 of the Act, is not too clear, for it states: "An occupier of land owes no duty of care toward a person who is a trespasser . . ." The dictionary says trespass means "to enter unlawfully upon the land of another." I suggest this part of section 6 should be changed to read, "The occupier of land owes no duty of care toward a person

who is on his land, either with or without permission."

If the landowner is going to be liable for the people he gives permission to, you can be sure that nobody is going to get permission. Therefore, in section 2 of the bill "with or without permission" must be placed after the word "trespasser," which appears three times in section 6.

Now we come to the final and most contentious part of the bill. That is where it states in section 1, subsection 1(1) that you must have written permission to trespass upon another person's land. As a landowner and a farmer myself, I have thought that this would be reasonable, although I, and my father and my grandfather before me have never had any trouble with trespassers, hunters, or fishermen; nor have we ever posted or tried to keep people off our land. We also have always owned good fishing and hunting grounds, with a branch of the Big Head River flowing through our farm.

Some people used to say to my grandfather, "Why don't you put up 'No Fishing' signs?" He would say, "Let them find out for themselves." Of course, Natural Resources wasn't too good at stocking fish in those days, either.

I believe things are much worse today than they were a few years ago, but it is the same old story, a few spoil it for the rest. There are a few people who cause trouble. This is why a bill like this comes about. If people would respect private property, keep gates closed and latched, leave fences intact, take their garbage home with them, and realize it is a privilege to be on someone else's land and not a right, legislation like this would not be necessary.

I feel there must be some provision in this bill to enforce written permission for trespassers. But, as I look at the situation, and taking Ontario as a whole, I feel it would be unworkable and unnecessary to have blanket written permission right across the province.

I have discussed this issue with a large number of people. I have had numerous calls, telegrams and letters pertaining to the bill. I know the farmers, the Ontario Federation of Agriculture and I have been pushing for legislation to amend the Petty Trespass Act for years, and I am glad it has finally arrived.

I find there are certain pockets of the counties where trouble from trespassers arises. I feel that these areas or any area that wants to should be allowed to enforce written permission. Being a firm believer in local autonomy, I feel each municipality or township should be allowed to pass a bylaw to make it

compulsory to have written permission within its boundaries, enforceable by the same enforcement people who would enforce it if it was across the province. This would allow the trouble areas to have the effect of this bill as it stands, and would allow the other areas to remain as they are, except for the fine being raised and the liability being removed from the landowner.

I would like to point out a few reasons why we should not have written permissions right across the province that have been brought to my attention.

It would be impossible to enforce right across the province and would make law-breakers out of a lot of our citizens. In the good farming areas of the south where it is fairly easy to tell when you leave one property and enter another it would not be difficult to obtain written permission. In Grey and Bruce it is a little more difficult because there are areas of bush and rough land. In northern Ontario it becomes an impossibility to determine where the boundary lines are and who owns the land. A person could be nabbed for a \$1,000 fine and not have a clue whose land he was on.

Mr. Wildman: Unless it's an Indian reserve; they are posted.

Mr. McKessock: Written permission would cut the number of hunters down drastically because farmers and landowners would not give permission, especially if this bill was to pass in its present form where it states their liability is only removed from trespassers. Once you give written permission, he or she isn't a trespasser any more and according to this bill as it now stands, then you would again be liable.

I know I might give verbal permission today but tomorrow my cows could be calving in the fields and I don't want to give any permission. If I give written permission, I'd have no control over tomorrow.

Mr. Eaton: Give them written permission for one day.

Mr. McKessock: With written permission necessary, associations such as the Grey-Bruce Night Hunters Association would be finished. They have coon dog trials every fall in Owen Sound. This brings tourists and competitors from all over Ontario and the United States. They go out in groups of four and cover a large area of Grey and Bruce. It would be impossible for them to complete the task of trying to determine every property they would be on and contact the owners. This is a good club—mostly landowners themselves—and they do no harm. This is their sport, exercise, and en-

tertainment which helps them enjoy life and cope with today's problems. This group also assists many area corn growers, who call on them at night to run the coons from the corn fields until they get the corn harvested.

With the number of hunters cut down, the groundhogs, coons, and wolves would get out of hand. I believe we now have more groundhogs in Ontario than people. Much damage is caused to machinery that falls into groundhog holes in the fields at harvest time. The coons are a continual plague to the corn fields. The wolves in our area and the bear up north are a menace to the sheep and cow-calf farmer.

I realize the requirement for written permission across the province would put an almost instant end to the Bruce Trail. Some landowners would no doubt think this is right. Most farmers and landowners, however, don't mind people hiking across their land or having a picnic as long as they respect the property.

Mr. Speaker, this legislation is badly needed. I urge all members to support this Bill 101 in principle at second reading. The member for Algoma has indicated he will be amending the bill in committee; I will also present three amendments in committee.

In section 1 of the bill, in reference to section 1(1) of the Act, the words "or in any other way trespasses" and the words "without written permission" would be deleted.

The second amendment: Add to section 1 of the bill, amending section 1 of the Act, a new subsection, 3: "Any township or municipality will have the right to pass a bylaw to make it compulsory to have written permission from the landowners while trespassing on such property when within the boundaries of said township or municipality.

The third amendment is to section 2(6): Add after the word "trespasser" the words "with or without permission." This will take the liability off the landowners, even though he has given the person permission to enter his property.

Mr. Foulds: I am beginning to think I hear a recurring refrain in the debate this afternoon that we should have a little chorus from "Oklahoma!": "Why can't the farmer and the cowman be friends?" adapted to "Why can't the farmer and the hunter be friends?" I was going to ask my colleague from Brantford to give a rendition of that.

Mr. Makarchuk: ACTRA would prohibit it.

Mr. Foulds: The argument today, unfortunately, has centred around the two in-

terest groups the bill affects, rather than speaking to the principle of the bill. I would like to say that I agree with the objective the member wishes to achieve and the problem that he diagnoses. But I will be voting against the bill because the bill, in my view, does not achieve the precise purpose he wants and it has too many other ramifications in terms of civil liberties that bother me.

Mr. Makarchuk: They are using a shot-gun when a .22 will do.

Mr. Foulds: Precisely.

Mr. Riddell: Isn't Rainy River in northern Ontario?

Mr. Foulds: Yes, indeed it is.

Mr. Riddell: And they support it holus-bolus.

Mr. Foulds: And Rainy River is the smallest district in northern Ontario. And it is not Rainy River as such that supports it holus-bolus, it is the Ontario Federation of Agriculture. As I said, I can understand the concern of the farming community and that is what the member is speaking to.

If the member would permit me, I would like to give him examples of a couple of bad results of this particular drafting. In fact, they have been touched upon by the previous speaker, but the amendment that the previous speaker in fact proposes destroyed the principle of this bill as it is designed, and I think he should have the fortitude to vote against it. Voting for it and then proposing those amendments, destroys this particular bill.

Mr. McKessock: What are you talking about?

Mr. Foulds: There are a couple of problems. Unfortunately what this bill would do, in my view, is that any person who by sheer accident could stray onto land that wasn't posted or identified in any way as being private land, could, especially in northern Ontario, be charged under the Act and could be hit with a \$1,000 fine.

Mr. Eaton: Who should have the burden?

Mr. Foulds: Indeed, it could happen. And I think that is a bad principle to put into law. What I would suggest is that the member should have brought in a bill that was a bill to protect legitimate and established and occupied private land. That is the tack that I think he should have taken instead of trying to amend the outdated Petty Trespass Act.

It also means that a person who by sheer necessity, either through injury or being stuck in a storm, passes across private land

to get help could be charged because he doesn't have that written permission. And if you happen to have stumbled across a particularly obstreperous person in seeking that help, it could happen under this Act; and if charged, the judge is not given discretion to dismiss that charge, because there are no mitigating reasons put in the bill. Under the terms of the bill as the member has drafted it, and because he has excluded the protective sections in the original Act, that person has no protection. For that reason I oppose the bill.

I would like to clear up a misconception, Mr. Speaker. Most of the speakers today have been from southern Ontario and have indicated that most of the land in the province is privately owned. I would like to remind them that most of the land is in northern Ontario; 58.9 per cent of it is in northwestern Ontario alone and most of that is Crown land and not affected by the bill.

Mr. Sterling: What about eastern?

Mr. Foulds: But there are large tracts of privately-owned land that are unidentified and unused. Under the terms of this bill a hunter who, for example, shoots a deer or moose on Crown land, wounds it and chases it into private land could be charged under the Act; and that seems to me to be a very bad principle because that is the humanitarian thing to do; it would be inhuman for a hunter not to chase a wounded animal and finally kill it and retrieve it. If he did so, and that animal happened to wander on to private land, in this Act he could be charged and fined \$1,000.

[4:15]

Mr. Riddell: You are indicating that Ontario people aren't humane. Who is going to charge them \$1,000 for going on that land?

Mr. Foulds: I am not referring to the humanity or the intention, I am pointing out what the bill does in law—and as legislators that is what we should be speaking to. I am afraid that far too often we forget that.

One of the unfortunate side effects of this bill as drawn is that it could effectively close the Bruce Trail to any individual who does not belong to the Bruce Trail Association. Such an individual would have to write to every single private landowner who owns land along the Bruce Trail or any other footpath in southern Ontario to get permission to traverse it. That seems to me to need serious consideration and revision, because I am sure that it is not the intention of the member or the intention of this Legislature to close the Bruce Trail, but if we vote for this bill that is, in effect, what we are doing.

The other example I would like to mention is one that was drawn to my attention by my colleague from Brantford. He pointed out that there is a spit of land called Long Point on Lake Erie near Port Dover that is privately owned by a corporation but seldom used. That spit of land is used for recreational purposes and for transportation purposes to get to recreational land by many residents and people in the area, including constituents of the hon. member whose bill we are debating. They could be charged under this Act for using that land. It is my understanding there is a sort of common consent in the area that that piece of property, which is seldom used by the private corporation for its own benefit—

Mr. Makarchuk: They take Leo out for duck hunting occasionally.

Mr. Foulds: —is considered generally as part of the package of recreational facilities available to the public generally in that area.

Mr. Riddell: If he is no more effective there than he is in the Legislature then the ducks are safe.

Mr. Foulds: If I might just digress—out there he uses a shotgun; here he has to use a .22, and he can't do that.

I would simply like to point out that these reservations in my view are so severe that I feel compelled to vote against the bill on second reading. However, I would appreciate the member giving the problem some thought and perhaps attacking it from a different angle. Maybe he could bring in legislation or suggest to his own Attorney General that he bring in legislation to protect the privately owned property that is in use and to which the damages and the severe hardship that he has outlined occur.

I think the problem should possibly be attacked from a different angle. We should, as intermediate steps, enforce the hunting laws and regulations that we already have, and I think that we should amend hunting regulations so that if a hunter knowingly is going to use a piece of private property the idea of getting written permission should be compulsory. No question about that in my view.

Mr. Eaton: I appreciate the remarks that have been made by a number of the members in regard to this bill. The written permission particularly, I think, is essential to the bill, because the posting of land does not do the job. I could have it posted here, I could have it posted there and the person goes in between and they say in court when you charge them with trespassing they didn't see the signs. You've got no grounds whatsoever. The judges throw them out of court.

So the amendment being proposed by the member for Algoma, as far as the posting of property is concerned, would not serve the purpose. It is there now and it's just not working. It's just not giving any effectiveness to the legislation whatsoever.

Mr. Kerrio: Typical Tory overkill. He's learning.

Mr. Eaton: That's like asking every day about that pipeline over there.

Mr. Kerrio: That's all right. I'm going to hang in there until it happens.

Mr. Eaton: The written permission, I think, is very essential but I do see the problem raised by the member for Port Arthur. I think something could be done on that. "Written permission if required by the landowner," perhaps, although it would leave a person in much doubt as to whether this piece of land requires written permission or the next.

Mr. McClellan: You are in trouble on this bill. Withdraw the bill.

Mr. Eaton: That's the same problem that would be created by the proposal of the member for Grey when he says that we leave it to every township whether they pass that bylaw or not. You go from one township to the next and you don't know if you need written permission in this township or the next township or the one after. So it leaves it very much in doubt when you do that. I think that having it on a province-wide basis, it at least makes it standard. Then persons know that if they're going to go on someone else's property, they've got to have permission in writing from the person who owns that property.

Mr. Kerrio: What about your neighbour having a beer with you, Bob?

Mr. Eaton: I know it's going to create some problems, yet I don't agree with the sort of proposal that was put forth by the member for Port Arthur, that you could end up getting a \$1,000 fine. Judges are reasonable. In fact, they're too reasonable to the guy who's the offender. Just look at what I read into the record the last time I was up.

Mr. Cunningham: They should be elected.

Mr. Eaton: Look at the incidents. The person can go in, they can take your property; the judge says, "I stole apples so I'm not going to charge him." How ridiculous.

Mr. Kerrio: That's your judges.

Mr. Eaton: At the same time, I think they would be reasonable enough that they're not going to fine them \$1,000 if they accidentally go across land. I believe in northern Ontario they have some rights, if they're lost up there,

to go into private property for their own protection from weather conditions or whatever it might be and they wouldn't be charged with trespassing. So I think that protection is there.

I think we're going to get support from many of the members for this legislation to proceed to the committee.

Mr. McClellan: Control it through the hunting regulations. That's what you should do.

Mr. Eaton: I would hope that some of the proposals that are put forth in there would certainly not be supported.

I do agree with the proposal from the member for Grey. It was an oversight. We left a couple of words out of there in giving liability protection to the farmer who has someone on by permission or without permission, and that should be in there. I would certainly agree to that amendment. In fact I was going to propose it myself.

Mr. McClellan: Withdraw the bill.

Mr. Eaton: I hope that when we come to the vote we'll have good support for this and that we can deal with some of the changes to make the legislation work in committee.

BRIBERY CASE

Mr. Speaker: Before we get into the second balloted item, I want to notify the House that pursuant to standing order 28, the member for Downsview (Mr. di Santo) has given notice of his dissatisfaction with the answer to a question by the Attorney General. This will be debated at 10:30 tonight.

Mr. Kerrio: Who's he going to debate with?

Mr. Cunningham: We'll all be here.

ONTARIO COMMISSION ON WASTE MANAGEMENT AND RESOURCE RECOVERY SYSTEMS ACT

Mr. Cunningham moved second reading of Bill 105, An Act to establish the Ontario Commission on Waste Management and Resource Recovery Systems.

Mr. Cunningham: I must say I'm not much of a gambler but I did participate in this recent lottery that we had and I was fortunate enough to draw the 14th position, I believe. It was certainly a lot better than 71st, which was what happened in the last draw. For that reason, I don't gamble.

Before I get into the guts of this very small bill, I'd like to acknowledge the contribution by the member for Windsor-Walkerville (Mr. B. Newman) who, unfortunately, can't be with us here today. He sponsored a very similar type of bill on a number of occasions. The

title of the bill is the Ontario Commission on Waste Management and Resource Recovery Systems Act, 1977.

For a number of years the hon. member for Windsor-Walkerville has recognized the very serious position that we face as a society and in this province with regard to the effective and intelligent disposal of our garbage. To that end he had suggested the establishment of such a commission.

I am pleased to be able to put forward, basically, the same item of legislation on the suggestion of both that member and, as well, the member for Halton-Burlington (Mr. Reed) who, unfortunately, also can't be with us here today. In my view they really deserve a great deal of credit for their personal commitment and concern with regard to a commission on waste management and resource recovery.

The disposal of garbage for eight million people in the province of Ontario is becoming a very serious problem. We have as a Legislature had to address ourselves to legislation respecting the banning of non-returnable bottles. We've seen legislation which would have had a rather deleterious effect on employment in the can industry, all because of some sincere concern with regard to items of garbage that assist in putting pressure on our garbage dumps.

Landfill sites, or dumps, which is the appropriate method of describing them, are filling up very quickly across the province. There is tremendous pressure in the large urban areas such as Toronto, Hamilton, London, Ottawa et cetera. The pressure is then, in turn, being placed on farm and rural areas. With a move to regionalization it appears many of our smaller communities which are generally reluctantly participating in a regionalized system of government are having landfill sites or dumps inflicted upon them. In my particular area, while they are not directly in my constituency, they are adjacent to the constituency of the member for Wentworth. The township of Glanbrook is going to have, or at least it's proposed at this time, the regional dump for the Hamilton-Wentworth region. This is contrary to the desires of those people and, certainly, to the desire of the two regional councillors who represent the area. In the process of trying to impose this particular landfill site on those people, there will probably be \$1 million spent by the region for the legal costs associated with the fight. The people of Glanbrook are going to involve themselves in trying to protect their area from having a large dump in it.

I also draw the members' attention to the excellent—I think it must be class 1 farmland, in the Tremaine-Brittania area in Milton. I've met with those people. They are constituents of the member for Halton-Burlington. They too have a very genuine concern for the future of that farmland which is designated to be a landfill site for the Halton region. I suspect if they were successful through the courts the region would ultimately end up being a repository for garbage from Mississauga and Metro. I think that's unfortunate.

I could summarize the need for this bill as follows: I believe private enterprise is now recognizing the value of garbage. They are showing some real interest in the field and they should be drawn in. The major problem is not the technology but rather the marketing. These are problems which must be resolved. Recognizing that most of these resources are finite I believe recycling is inevitable if we are to survive as a society.

Municipalities are not being drawn into schemes of recycling as a result of a lack of communication on the part of the Ministry of the Environment. In fact, there seems to be a lack of communication within that ministry itself. In order to provide leadership, I would suggest this commission be established. On a regular basis the province is transferring its responsibilities in the area of waste management and resource recovery to the local level, but they're failing to provide the leadership that level of government requires.

One of the minister's own studies states, and I quote: "The province is the only agency which can be expected to provide the main impetus for this development." A commission such as that recommended in the bill would go a long way in providing the necessary technological development in evaluation of viable markets for material and energy. Regional government, as I said before, is presently using its powers to the disadvantage of the smaller municipalities within the regions, to impose waste management systems which are convenient to the urban core but to the disadvantage of the surrounding local municipalities. As a result of cutbacks in municipal transfers and the waste and inefficiencies of regional government, there is little incentive for local councils to provide long range waste management and resource recovery systems.

At the invitation of some people in the private sector, the member for Huron-Bruce (Mr. Gaunt), the member for London Centre (Mr. Peterson) and myself attended a meeting with some people at the Americology plant in Milwaukee and I must say I was genuinely impressed with the tremendous technology

they have developed. They have a system that basically looks after 90 per cent of the garbage in the area and those statistics are to be improved. Basically, all the garbage that goes into that plant is recycled in one way or another: Ferrous and non-ferrous metals are separated; the aluminum is separated; I believe glass, both coloured and non-coloured is separated. The balance, which is referred to as RDF, refuse derived fuel, is then sent to the Wisconsin generating plant outside the city. Here it is combined with bituminous coal and provides a large amount of hydro-electric power for the state of Wisconsin and the city of Milwaukee.

I think that is the way ahead for us. As a society, we can't afford to continue to bury our garbage in the ground and while I recognize the commitment made by the Minister of the Environment in 1974, the member for Durham-York (Mr. W. Newman), the efforts by the province in the three years since unfortunately have been minor. We are going to face a real crisis in the next little while in almost every urban area in the province.

It seems so foolish to bury valuable materials in the ground and at the same time destroy a way of life for people in the rural areas and plough under good farmland. I hope this piece of legislation could be considered in committee, notwithstanding the fact we are only going to be here for another three weeks and that various people will be consulted on it. It's the way ahead and I look forward to the support of the other two parties who I know share my concern with regard to solid waste reclamation, recycling and of course, the preservation of agricultural lands.

Ms. Bryden: I am sure everyone favours giving top priority to the development of better waste management in our society. We have discovered our resources are not unlimited and we may run out of certain non-renewable resources before the end of the century. We are learning that even our renewable resources are in jeopardy if we do not manage them properly.

We realize we are going to have to switch from the throwaway society to the conserver society and that means making the most efficient use of our resources which means recycling and resource recovery. So we certainly are in favour of the principle of developing new methods of waste management and resource recovery.

I might mention the Science Council of Canada has recently brought out a report called "Canada as a Conserver Society," and

they cite this example of the results of switching to a conserver society. They say: "Simply by better recovery and recycling from solid waste, the typical community of 100,000 could conserve up to 3.5 million gallons of fuel per year, 30,000 tons of paper and cardboard, 3,600 tons of ferrous materials, 700 tons of non-ferrous—aluminum, lead, zinc and copper—and 4,000 tons of glass. The operating cost of incinerators would be reduced by 30 per cent and their capital cost by 60 per cent and 15 acres of land per year would be spared from use for waste disposal by land fill."

We realize that waste management and resource recovery will pay off in the long run. However, the government's record in this field is shockingly deficient and perhaps that is what led the member for Wentworth North to bring in his bill. The government is spending less than \$10 million a year on resource recovery. Last year the estimates contained \$13.3 million for this responsibility, but only \$8.9 million was actually spent. This year the figure is down to \$7.9 million.

Ontario generates 6.5 million tons of solid waste a year. The few pilot projects that have been undertaken will not make much of a dent in this solid waste problem. The Ontario Resources Recovery Centre in Downsview, which is just coming on stream, would handle 600 tons a day when it is operating fully. This is a drop in the bucket when you think that Metropolitan Toronto alone generates two million tons of garbage a year.

The province is not providing money to encourage municipalities to switch from land fill to resource recovery plants. At the moment, resource recovery plants are more expensive than land fill for most municipalities, although the way agricultural land is skyrocketing in price, that situation may change. Resource recovery plants could in the long run pay their way if we could develop sufficient markets for the resources that are recovered. But at the moment to get them started requires a large capital investment and the development of markets.

The province should be doing a great deal more in helping municipalities to get such resource recovery plants in operation. People have been studying a model plant in Milwaukee, which is starting to develop this kind of a municipal disposal for the total garbage in the area. There is no doubt that we need more action in this field. But is this the right way to get action?

I am really surprised at the member for Wentworth North's suggesting the establishment of yet another commission, when we

already have over 300 of them, is the way to get action. I am sure I have heard many voices from the Liberal Party decrying the cost of such bodies, and I would certainly agree that each new commission brings its own layer of bureaucracy and a new set of costs.

Mr. McKesock: When we see the strength the Niagara Escarpment Commission has we feel they would do great things in this area.

Ms. Bryden: That may be so. But I would attack the concept of another commission on the principle of accountability as well as cost. We know from experience how difficult it is to bring the hundreds of commissions before this Legislature for annual examination. We know how difficult it is to ask questions about the work of a commission which reports indirectly through a minister in the House, but for the details of whose spending he is able to disclaim responsibility.

We also know we have not yet established a system to ensure that commissions are broadly representative of the various groups in our society, or of different political viewpoints. In fact, they are simply an extension of the government, since it has the sole say in the majority of appointments to most commissions in this province. For that reason, commissions are really an undemocratic instrument, since they are somewhat removed from legislative accountability and are often given lump sum budgets to spend without much close scrutiny from elected representatives.

If we look at the list of things in the bill which it is proposed would come under the commission, I think we can see that all of them could be done under the Ministry of the Environment mandate and under its Act. In its annual report, the ministry lists its objectives, and one of them is to manage waste. We already have a Waste Management Advisory Board. This bill does not propose to eliminate that board, so it seems all the things in this bill could be done if the Minister of the Environment (Mr. Kerr) took it under advisement to do so.

As I have said, it's not doing nearly enough. The reason seems to be a matter of political will, rather than of machinery in the form of boards or commissions. What we may have to change is not the machinery, but the government. For that reason I am not supporting this bill.

Mr. McCaffery: No sense in two capitalists being up at the same time, David.

Mr. Speaker, I'd like to compliment the member for Wentworth North for raising this most important topic in private members' hour.

Mr. Peterson: Best speech you have ever made.

Mr. Breithaupt: However.

Mr. McCaffrey: I think it is obviously a critical problem in our society today. More than that, I suggest the problem is going to accelerate.

I'd like to address myself to the portion of this bill which speaks directly to the reclamation and recycling of waste material. Simply put, the problem manifests the type of society we have. From the private sector, consumers have demanded and received convenience packaging that they are not—and I think this is central—going to give up.

The other side of the argument is that disposal of convenience products has created a nuisance for the same consumers—for us. Simply put, the problem is one which the private sector has in part created by providing consumers with what we've wanted, and in my judgement the private sector is best equipped to deal with it. We can't have the private sector providing us with products that only the government can or should dispose of.

Within the marketplace, which in its crude and clumsy fashion often does provide solutions for us, we might find some innovative approaches to the problem. Most waste products are commodities; like all commodities they have a market price. That market price obviously fluctuates as demand for the product changes and shifts. Nonetheless they do have a value and I would suggest we try to look at this whole question of waste disposal as a growth industry rather than as an industry whose residue has a nuisance value. Seeing it as a growth industry, we might be able to encourage the private sector to cope with it more effectively than they have.

The shortage of raw materials and new alternative uses for these raw materials have created fluctuating price demands. I'd like to touch briefly on two examples—newspapers, and then very briefly, pop cans—not that I want to open that topic again.

Mr. Warner: Why not?

Mr. McCaffrey: A year and a half ago a ton of newsprint, priced as you know on a world market, sold for about \$250. Today a ton of newsprint is worth about \$300. A year and a half ago a ton of used newspaper was worth \$7 or \$8. A ton of used newspaper today is worth more like \$40.

That change in price reflects, in part, the world price of newsprint. But more important, since alternative uses for recycled newspapers have been found—in this case, home insulation material—which have created a demand for the product, we now have old newspapers

priced at a level that makes it worthwhile for the private sector or a municipality to collect them for recycling purposes.

The whole question then, when looking at waste as a commodity, is what role has the government in coping with this? I strongly suggest the government's role should be simply to educate, inform, and co-ordinate, and not to get into the business of gathering waste materials, or commodities, as I prefer to think of them.

[4:45]

I think much of the spirit of the member's bill is already in place in existing legislation. The Environmental Protection Act now provides for virtually all of the objects in Bill 105. Development of procedures for reclamation and recycling can be and are being carried out by the minister under two sections of that Act. The power of this proposed commission to study marketing methods for reclaimed materials and alternate systems of waste management can be exercised by the minister under the same sections of that Act.

The power of the proposed commission to provide technical assistance to local governments can be and is being exercised now by the minister under section 3(e) of the Act.

Mr. Cunningham: It's not being done.

Mr. McCaffrey: The power of the proposed commission to enter into arrangements for the provision of waste management and recovery systems can be and, I believe, is now being exercised by the minister under section 3(j) of the Act.

However, as I suggested, if we try to look at this problem as a profit centre or a potential growth industry, I think that many of the other related nuisance problems will fall into place.

I mentioned the pop can. I just want to touch on it for a moment. I am relatively new to this process of government but I believe out of the pop can legislation and the debate that centred around it came one very, very clear message—clear, at least, to me—that governments can no longer simply arbitrate between two groups of consumers, those who demand the convenience of a pop can and those who quite rightly are offended when those cans litter up public places or public parks or beaches. The message must surely be that the industry has to undertake a system to easily and cheaply reclaim those products and to recycle them.

The convenience value of a can is not going to go away; again I think it is going to accelerate. Tragically, so is the so-called nuisance value. But the onus is on the private sector—which responds to our demands

quickly—to respond when those demands create consumer problems.

Mr. Warner: You have great faith in a system that doesn't work.

Mr. McCaffrey: I have phenomenal faith in the system, which has worked. Newspaper prices is one example; there are many more examples. Sometimes the system moves in a crude and slow fashion in order to cope with consumer problems. But it works out.

I think in conclusion, the bill has merit because the topic has merit. But I cannot support it because I cannot support anything where once again the onus is on government, any government—

Mr. Cunningham: The onus is on the private sector.

Mr. McCaffrey: —to cope with the problem. Governments are coping with too many things already. I am surprised at the member for Wentworth North who mouths free enterprise and talks about the private sector—

Interjections.

Mr. McCaffrey: —and yet in a pinch not only does he look to the government to solve a problem—worse than that: in the face of his own leader's recommendations to this Legislature, he recommends that another commission be set up. I am quite flabbergasted at that, frankly.

I cannot support any bill that puts the onus on any level of government to cope with a public problem that the private sector can deal with.

Mr. Warner: They don't. They don't deal with it.

Mr. McCaffrey: I cannot support a bill that sets up another commission. My colleague, the member for London South (Mr. Walker) has in an articulate way discussed the problem of too many boards and commissions and agencies that we are faced with already.

Mr. McKessock: Just take the Niagara Escarpment Commission and give it a worthwhile job.

Mr. McCaffrey: I don't think the bill is innovative enough. There are some—but, I am afraid, too few—new ideas in it and I think the people on this side of the House do tend not only to articulate a belief in the private sector but stick to it.

I recognize this is a problem. We are all consumers too. But as people who are sensitive to protecting tax dollars and in encouraging industry to deal with public problems when they can, I think we should not pursue this bill.

I am surprised. There is one section of it that it suggests that the 13 members of the commission shall be representative of Ontario Hydro, the Ministry of the Environment, business and industry. I am just surprised and a touch disappointed that you did not include Industry and Tourism, because I think through the Ministry of Industry and Tourism and ODC—as far as I understand how it operates—in co-ordinating information between Environment, Hydro and Industry and Tourism you can, when it is appropriate, loan public moneys to the private sector which will deal with these nuisance problems and see this as a potential growth industry.

Mr. Cunningham: Make an amendment.

Mr. MacDonald: It is not a nuisance, it is a resource.

Mr. Peterson: I must say I really listened in disbelief to some of the arguments presented by both of the other parties here today. I am quite disappointed. I really am. I think that the logic displayed by our friends to the left is extraordinary.

The member for Beaches-Woodbine (Ms. Bryden) has taken the position, I gather, that the power is already in place and the question is one of government will rather than operative legislation. I think she should know after her experience in this House that that doesn't necessarily happen. The government has the power to do all sorts of things and they don't end up exercising this power for whatever reasons.

I am very disappointed that the member has decided not to support this bill. She is going to perpetuate the same old problems that have gone on in this province for years. I am sure that my colleague who introduced this imaginative bill has gone through the litany of disappointment and almost blatant dishonesty of the announcement from the minister and the very picayune, very small and dismal contribution that really has been made to this whole problem of solid waste. I think it is an opportunity to get going with very little new in terms of government expenditures.

I don't think the hon. member for Armourdale (Mr. McCaffrey) was completely wrong in terms of getting the private sector involved because we very much believe that that is fundamental to this bill. But, believe me, anybody in the private sector contemplating this kind of plant today gets so frustrated with government—they have to go to so many boards, agencies and commissions to try to accomplish a thing like this they will give up in despair and walk away from

it. They will wash their hands of the complete issue.

Believe me, that is what is happening today. We have made it so complicated to accomplish this kind of constructive capital project no matter in whose hands it is, be it private enterprise or the government, that people are just walking away from it. This is an opportunity to consolidate, to be the one body of information to inform various levels of government, to act as a liaison between them.

For example, in this Milwaukee situation, which I recognize is probably the most constructive in the world, everyone I talked to—I happen to have had the benefit of being in Milwaukee with my colleagues from Huron and Wentworth North—said that the only reason it got going was because of imaginative politicians. All the so-called private enterprisers said, “We could never have got going had we not had the total and complete cooperation of the politicians. It’s too frustrating and complex a problem to get involved in.”

Let me take you back to this Milwaukee experience just a little bit because it’s so very meaningful. The land upon which that factory was built was almost in the middle of the city, and was old railroad land that was not being particularly well used. A land site, equivalent to the kinds of sites we have all over this province in all major cities, downtown urban lands that aren’t being used effectively or functioning well, was given to this Americology factory for something like \$5, right next to the university. All sorts of population and industry lie within two blocks of this plant.

That could not be done under the layers of protective legislation we have in this province. We couldn’t accomplish that kind of thing without one agency in government prepared to bulldoze its way through the problems, make decisions, and assist this kind of an operation.

Yes, we agree it should be in private enterprise’s hands. And this is a marvellous example, in my judgement, of a co-operative effort. Americology, a subsidiary of American Can, unabashedly will tell you that over the next 10 years they will probably make \$10 million. The figures aren’t in yet. They aren’t exactly sure of that.

The city of Milwaukee has a right to purchase that factory—and they probably will do that—after five years, with certain guarantees. That’s certainly their prerogative to do so. Or they can leave it in the hands of American Can. But in the process, they’ve collectively developed the expertise. They have worked together. They have made it simple

and uncomplicated. All these things frequently need is just a go-ahead.

American Can, through Americology, is not the only corporation in North America that’s involved in this kind of plant. There are lots of other imaginative systems available. All they need is someone from government to say: “We’ll make it easy for you. We’ll give you the land.” Why shouldn’t they give them the land? Obviously, there have to be appropriate guarantees, and everything else.

I say respectfully to the member for Armourdale, in spite of all the good sentiments that he mouths he is going to end up accomplishing nothing. It’s all right to sit here and say private enterprise should carry the can, but they won’t be doing it. We are going to end up with absolutely no more progress in the future than we’ve had to date without a legislative thrust and without a board operating.

The old argument thrown back is, “We’re against all these boards, agencies and commissions,” and of course, we are. We don’t like useless boards and agencies and commissions as an extension for Tory patronage hanging around this province. We’re tired of that. But we’re not tired of imaginatively and creatively using them in new ways that really don’t require the expenditure of all that much money. It just needs one central authority to focus, to provide information, to co-ordinate and get things done in a hurry.

I just want to read the objects of this bill into the record because I think they’re important: “The objects of the commission are and it has the power, (a) to provide solid waste disposal and reclamation services throughout the province, including incineration and landfill;

“(b) to develop procedures and establish plants for the reclamation and recycling of paper, metal, glass and other materials;

“(c) to study methods of marketing reclaimed materials”—and that’s very important. The government has so much power. The government must be involved because they are in a position to go to Ontario Hydro and say: “You must buy up the surplus paper, the ground-up refuse that one can use for fuel.” The technology is there to adapt this fuel for the generation of electricity. I’m sure my colleague from Wentworth North has told the members this Americology factory in Milwaukee generates six times more energy than it consumes.

The fourth object is:

“(d) to provide programs of information and technical assistance to local government”—that’s a meaningful contribution be-

cause many of them don't have the resources or the engineering assistance or the sophistication in this sense to develop these kinds of programs without help;

"(e) to study alternative systems of waste disposal, waste management and resource recovery; and

"(f) to enter into co-operative arrangements for the provision of waste management and resource recovery systems with representatives of private industry."

As I'm sure my colleague has pointed out, private enterprise is fundamental to this whole thing. We think it can be done without government financing in lots of cases. We think, perhaps, governments will be involved in guaranteeing debt, but that's not nearly the same problem as actually having to go into debt themselves.

Let me explain to you how American Can regards this project, and how they got into the reclamation business. They're not altruists. They're not people running around asking: "What can we do for our country?" They look upon this recycling recovery plant as a mine, as a source of materials, because they understand, as we all do, the problem of diminishing resources in North America and in the world. They understand the problems of waste. They understand North American habits and they are looking for sources of material so they can remanufacture and keep in business for the other ends of their operations. That is why they went into this business.

As I'm sure has been pointed out, there are several products: Glass that is being sold for roadbeds, for blocks and things like that; ferrous metals; non-ferrous metals; newspaper, which as my colleague from Armourdale has pointed out has a material value and increasing value today; and fuel, which is the major component, which necessarily needs government co-operation. This is particularly true in a province like Ontario, which has a monopolistic, government-controlled, energy-producing facility.

These people are not altruists. These people have done it because they can make money. The city of Milwaukee pays them about \$10 a ton now; it is recognized in the short run that they could probably dispose of that same waste through the traditional landfill methods at about \$9 a ton. But, looking into the future, when one anticipates the problem of creating landfill sites and all the dislocations those things have on the local residents; when they look at the cost of transportation in the future; when they look at the fact that they're going to have to move further and further

out of cities and out of communities, in a year or two the proposition is going to be equal in terms of cost. In the three or four years after that there is going to be a considerable cost saving. The plant and the capital is in place and it will serve the people of that community for a long, long time.

I am very disappointed with the resignation shown by the member for Beaches-Woodbine.

Mr. Deputy Speaker: The hon. member's time has expired.

Mr. Peterson: Thank you, Mr. Speaker, but I hope we can impose, through the fluency and persuasiveness of these arguments, and my colleagues will follow the idea that this should definitely be supported. We have a chance, for once, to do something imaginative in this area.

Mr. Warner: I didn't want to interrupt the member for London Centre on a point of order but I would draw to the attention of the Speaker and the members of the House that in the private members' hour I would assume each member has a particular viewpoint and we are not necessarily dealing in party lines or in party position, but rather individual positions.

Mr. Deputy Speaker: That depends on whether you're in the government or not.

Mr. Warner: I think that's a very healthy way to approach a private members' hour. I have mentioned on other occasions it disturbs me that it would appear in some of the private members' hours that the government in particular has been voting en masse or en block either for or against a particular bill. It disturbs me, quite frankly, because I take this to be in the best tradition of a private members' deliberation of a bill.

Mr. Peterson: The government is destroying the whole concept.

Mr. Warner: I wish to comment on the bill we have before us and commend the member for Wentworth North for having brought it forward. His concern on the subject is well known. He has taken the time and trouble to go to Wisconsin and view what I gather is a very imaginative kind of project and one which works. He has shown his concern in the speech which he made and in the bill in front of us.

Quite frankly I think the member for Armourdale underestimates the seriousness of the problem and is perhaps even misguided as to who created the problem. The seriousness of the problem is extensive in not only

the amounts of waste material which we have in our society, in Ontario, but also in the wide variety of items which are presenting difficulties for us. It was the good old private enterprise system that created the problem in the first place.

Mr. McCaffrey: And can solve, that is my whole point.

Mr. Kennedy: The socialists throw away garbage too.

Mr. Warner: If the member wants a good example of it, just let him think back to when he was talking about the pop cans and the ring-top can we had. That was developed because private enterprise wanted to develop it for their own particular purpose. They had no thought as to the resulting difficulty they were going to create. It really took an effort of government to correct that situation.

Without government intervening the situation would have continued because, as we have known from the past, much of the private enterprise area does whatever they feel they want to do, regardless of the consequences to them, provided they're not financial. That is their sole consideration in most cases. It's unfortunate it takes the government to move in to correct that situation.

If the member's system works so well, we wouldn't have, for example, the Environmental Protection Act. It never would have been brought in except that there was a need; there was a desperate need, and so it was brought in. It's pretty lengthy and it's pretty involved and there are a lot of details in it.

The thing that bothers me, as I'm sure it does many other members on this side of the House, is the fact that the Environmental Protection Act in many cases doesn't seem to be adhered to. It doesn't seem to be acted upon.

Take certain sections of it, Mr. Speaker. Look at section 3(b): "conduct research related to contaminants, pollution, waste management, waste disposal, litter management and litter disposal." I take it under that section we could have by now the type of recycling and reclamation plant which is in existence in Wisconsin. That could have been done.

This Act was passed, I believe, in 1971. Six years later we don't have any plans along the lines I have just described. The Act is there; it is not being developed. The government has shown almost no imagination in terms of addressing the problem which we know exists and in trying to find the right kind of solutions. The government just simply has not done the job.

If I am wrong, Mr. Speaker, I would like to hear from the member for Armourdale. But frankly I think he underestimates the seriousness of the situation and places false hope in the fact the people who created the problem are going to somehow clean it up all by themselves without someone pressuring them to do it. It has never happened in the past. How on earth could it possibly happen in the future?

This government unfortunately, Mr. Speaker, has never seen fit, except when dragged kicking and screaming, to force those polluters to clean up their act, and that seems to be the crux of the problem.

I appreciate the fact the member for Wentworth North has brought forward a bill which in his estimation addresses the very problem about which I have been speaking and offers what he says will be the answer to it—forcing the government's hand.

I assume the member for Wentworth North has some of his allotted time left and so will be addressing the points raised. I will bring a couple of things to his attention and perhaps he can comment on them.

Mr. McCaffrey: You don't force the government's hand with a government appointed commission.

Mr. Warner: Thank you, that's my next topic.

We already have 363 boards and commissions in this province and we know what they are. They are havens for defeated Tory candidates and other nondescripts to earn a bit of extra money and re-establish prestige or whatever. We don't need more of them. We need fewer.

Surely we should be moving from an old system of appointed boards and commissions to more generally elected positions, more democratically aligned types of arrangements. That's to say elections of individuals or appointments by councils of people who are elected—people who come from some form of either nomination or election to be specific.

If you want somebody who comes from working people sitting on a board, then you have someone elected from a union because that person has faced election within his or her union and therefore is accountable to someone. If you are going to have someone from a council, they are accountable to the electorate in that municipality and so on—someone who has a defined group to which they are responsible, not just someone appointed by the Lieutenant Governor in Council. That's too easy a route for patronage and I really object to it very strongly.

Perhaps the mover of the bill would be interested in striking that part from the bill

and substituting some other form of election or nomination.

I am disappointed, quite frankly, in section 2(3). While there are various people named who no doubt bring expertise to the situation, the workers of this province are uninvolved. I think, for example, of CUPE. Many members of CUPE work for Ontario Hydro and have been involved in projects and have an understanding of the situation of waste management. The Ontario Federation of Labour has its own education section and does its own research. It has people well versed in this topic and those people are to be denied representation. I think that's wrong. It's a drawback. Perhaps again the mover of the bill would be able to amend that section.

Section 4 is simply for the most part a rewording of section 3 of the Environmental Protection Act. The kinds of objectives the member wishes to attain are stated in the Environmental Protection Act.

We know what the government is not doing. We do know they have an Act. Our problem is to get that Act moving, to get the government moving. They have had six years to do it and haven't done it. I would submit that probably the only way to develop the projects arising from the Environmental Protection Act is to change the government. I must vote against the bill.

Mr. Kennedy: I am pleased to join in this debate on a very, very topical subject. At the outset I will say, though, I am not able to support the bill for reasons I will outline, some of which have been expressed. I do want to commend the member for bringing it forward, putting it on the agenda and being lucky in the draw so we are able to discuss this very important topic this afternoon.

The present Environmental Protection Act, which was brought in by this government, is acknowledged as being one of the most advanced pieces of legislation in this area in any jurisdiction in the world. I think even the hon. members opposite acknowledge this, and it is generally acknowledged.

The bill here before us implies, presumably, that the ministry and the present legislation are not doing the job. I have difficulty in seeing how another commission—an added bureaucracy—will turn this around, make it more so.

Mr. Warner: Especially more Tories.

Mr. Kennedy: Looking at boards and commissions one finds not efficiency but more delay, more red tape. And the red tape adds to the mounting pile of garbage we have. We can do without it.

One of the things that has been very visible in the province is the phasing out of the old traditional garbage dump and its replacement by landfill sites. This has happened in an area where I have a cottage. I saw the dump phased out by the municipality which was concerned with cost. They worked very carefully and were able to close out the old dump and have a new efficient operation.

Not only does the landfill site do a job in providing for the handling the waste, but it has an impact on society. I suggest it brings an awareness to the populace of the need for not littering the countryside with garbage. For instance, you get a permit to go to the dump and you are told when it is open. Then you place your refuse in that dump at certain specified hours. This gets people into a routine. It is much better and you see less litter around in this particular area. I assume the same thing applies elsewhere across the province.

On the preparation of landfill sites, I want to mention our own region of Peel, the one I am most familiar with. Just last week they had approval for a new landfill site, some 205 acres, given a 12-year life. This is an area in which the government is involved in respect to resource recovery. They provide the total capital outlay for resource recovery equipment, 50 per cent of this is recovered by government but over 40 years. This is very encouraging to municipalities.

The general notion that a government commission can work better than the ministry was discarded back in 1972. That's the year some hon. members will remember that the government terminated the Ontario Water Resources Commission. It and its functions regarding sewage and water were integrated into the ministry.

Mr. Gaunt: And we've been losing ground ever since in terms of water pollution and clean-up.

[5:15]

Mr. Kennedy: It was supported by the Liberals opposite and has been supported ever since. Now they turn around and want to have another commission. It flies right in the face of what they did in 1972.

Mr. Gaunt: No, not at all.

Mr. Kennedy: Yes. Waste management, Mr. Speaker, is a serious problem. I don't want to dismiss it lightly and say it's being dealt with as effectively as it should be. But we're certainly working towards it.

There's an average of four pounds of garbage per person daily; the member for Beaches-Woodbine mentioned the production of garbage per person in total tonnage. To

have that garbage hauled away costs around \$25 per year.

As a little digression, I might say that I brought in the first private member's bill—I wish we had the voting in those days that we have now—to ban the non-returnable bottle. The government is committed, as the members know, to phase this out as of next April.

Mr. Breithaupt: It only took 10 years.

Mr. Kennedy: I was away ahead of my time, to the member for Kitchener.

Mr. Mackenzie: When are you going to bring in a bill to take care of the workers?

Mr. Kennedy: In 1976 Canadian manufacturers spent \$2.3 billion on materials, machinery and services to package goods worth approximately \$55 billion. More than 90 per cent of that packaging ends up as garbage during the same year. These figures are indicative of the problem of waste management. I don't think this problem could or should be handled by a separate commission. My figures indicate the problem spreads to all sectors of society, so it's much better handled by the overall legislative power of the Ministry of the Environment.

As was mentioned by the member for Scarborough-Ellesmere, most if not all of the provisions of this bill are covered by the ministry. I want to take a moment for a few other examples of what the ministry is doing. It's going to be launching a series of consumer seminars shortly. The purpose of the seminars is to create consumer awareness of how much energy is used in making various kinds of packages and to provide useful tips on ways to utilize less wasteful packages. The four Rs of waste management—reuse, reduce, recycle, reclaim—will be emphasized in these seminars. Mr. Speaker, could you tell me how much time is left?

Mr. Deputy Speaker: About three and a half minutes.

Mr. Kennedy: Thank you. I have here a copy of *Civic*, a public works magazine published by that eminent publisher, Maclean-Hunter. The title of this article, which I'd recommend to members, is "Waste Study Looks at Productivity." The article states: "The Ontario Environment ministry's waste management advisory board has launched a study aimed at finding ways to help municipalities improve productivity in solid waste collection and disposal." It goes on in this vein, naming the consulting firm.

"Two of the more extensive aims are to gather information for better waste management planning. The study will develop a standard approach for maintaining and reporting municipal waste management in On-

tario. It is hoped to increase the existing body of knowledge pertaining to waste management and aid in assessing province-wide waste generation and costs. Mr. P. J. Crabtree, executive administrator of the advisory board said, 'The main concern'—this is the point I wanted to make—"which prompted the study was the dearth of information on collection and cost control in waste handling.'" This is an area that needs attention, Mr. Speaker.

Another activity of the ministry—I refer members to the Metropolitan Area Waste Management Study, 1976, which dealt with not only Metro, but Peel, York, and Durham as well. There are some excellent recommendations in it.

The ministry has, and this is indicative of it, one of the world's most comprehensive programs of waste management, reclamation and disposal. It has developed environmentally sound landfill operations. It is working toward a system of reclamation of material and also of something that has not been mentioned, energy from wastes.

We have the Resource Recovery Research Centre as was mentioned opposite as well. It is working. It is the most advanced one, and one people from other jurisdictions come to see. We go to other jurisdictions and they come here.

Mr. Deputy Speaker: The member's time has now expired.

Mr. Kennedy: I will just close off. So I mention only a few of the programs and undertakings of the ministry. What it means to me is that far from requiring a new commission—

Mr. Lewis: Mr. Speaker, this is an abuse of the rules, a gross abuse of the rules.

Mr. Kennedy: —what we need is some more positive publicity and activity for the advances we are making every day. So I shudder, frankly, Mr. Speaker, at the thought of another commission, an unneeded commission, the bureaucracy, the cost, the red tape. Let's rev up what we have got.

Mr. Lewis: Do you people know something about creating commissions?

Mr. Pope: We don't need any more!

Mr. Deputy Speaker: The hon. member for Huron-Bruce.

Mr. Lewis: If you were to be appointed the chairman, you would announce it yourself.

Mr. Kennedy: Now there is a thought.

Mr. Gaunt: I must observe the comments and make comments upon the comments—

Mr. Kennedy: We took out OWRC with your support.

Mr. Gaunt: —my friend from Mississauga South made in the course of his remarks with respect to commissions. This government is the greatest proponent of commissions that I have ever seen. Perhaps the record should show it is the greatest proponent and creator of commissions in the Dominion of Canada.

Interjections.

Mr. Gaunt: Here we have this afternoon two of my friends on the other side saying, "Abhorrence! We don't want any more commissions!"

Mr. Kennedy: We don't need this one.

Mr. Gaunt: "We have antipathy toward any commissions. Please don't set up any more commissions."

Mr. Pope: We don't need more commissions.

Mr. Gaunt: Goodness gracious. What a change of heart. What a revolution has taken place over on the other side. I say to my friends—

Mr. Kerrio: Clean up your act.

Mr. Gaunt: —that should any of my friends on the opposite side have the misfortune to be defeated, they would be the first ones who would want another commission.

Mr. Kennedy: No, no. There are 363 around.

Interjections.

Mr. Gaunt: So I think my friends on the other side are being somewhat facetious when they say they don't want another commission set up, because certainly—

Mr. Lewis: What happened to Allan Grossman, John Yaremko, Charles MacNaughton, Eric Winkler? There are a bunch of professionals over there. You are a bunch of commissions. Rene Brunelle can hardly hold his breath, look at him.

Mr. Gaunt: They don't want us on this side to suspect their motives and—

Interjections.

Mr. Gaunt: —so they have taken that position. My friend from Armourdale has said his government is committed to resource recovery and recycling. I say to my friend the spirit may be there but the body is very weak indeed. The flesh is very weak, indeed, because one has to just take a look at the record and see what has happened with respect to recycling and resource recovery in the last few years and what thrust this government has given to it.

As a matter of fact, the government here in the province of Ontario cannot even recycle the paper it creates around this complex.

Mr. Kerrio: They are recycling defeated Tories.

Mr. Gaunt: We have 21.3 tons of office waste around here per week, of which 12.7 tons is special consideration paper for which potential markets exist—that is bond writing paper and that kind of thing. We have another 3.5 tons of throw-out papers and magazines, hardcover books and newspapers. Out of the 21.3 tons of office waste per week around here, only 5.1 tons cannot be recovered or recycled. The balance, roughly 16 tons per week, could be recycled.

And we haven't even got the will to do that. I haven't housecleaned my office in seven years. I don't want to do it because it breaks my heart to throw out all those books and reports and in doing so know they will end up in some landfill site away out in Halton.

Mr. Warner: Are you saving Claude Bennett's speeches?

Mr. Gaunt: They are on the bottom of the pile. I simply make the point that the government hasn't had the commitment to recycling and resource recovery we think it should have and that we know it is going to have to have in the next year or two. Otherwise, we are going to be in serious trouble.

I should mention, in case the members are not fully persuaded about the merits of recycling, for every ton of steel produced from recycled municipal solid waste the following things happen: Enough electricity is saved to provide eight months' power supply for the average North American home; 200 pounds of air pollutants are not released into the atmosphere; about 6,700 gallons of fresh water are not used; the water that is used and returned to sewers and streams contain 102 pounds fewer water pollutants. In recycling paper alone, substantial savings of natural resources can be achieved. Recycling 11 million tons of paper can save up to two million trees.

Surely that should indicate to the members on the other side of the importance of recycling and resource recovery. It's the sensible solution. It is the only route we can go at this point. It takes care of the solid waste, it conserves resources, it saves money and it saves energy, all at the same time.

My colleagues mentioned the Milwaukee plant. I was fortunate enough to do down and see its operation and it is very impressive indeed. It handles and recycles up to 1,000

tons of waste daily. It is a very excellent front-end plant. It has had its start-up problems but a lot of those problems have been worked out. The materials it recycles and reuses constitute about 90 per cent of the total garbage handled by the plant.

There are many other processes. One can ask, how can we deal with this problem in the next few months or in the next year because we've got to develop the technology? The technology is already there. The technology is there; it's in place now and it is operating in many countries of the world. I happened to be at a resource recovery convention in Washington, DC, in October of this year at which an outline was given of all of the technologies employed in resource recovery and recycling. There are at least a dozen such technologies available, workable technologies now being used in many parts of the world to recycle and to fulfil the concept of resource recovery.

I can think of plants in Luxembourg where pyrolysis is used to produce electrical power. Pyrolysis can also be used to produce methanol which the Germans used for 50 per cent of their transportation needs prior to the Second World War. It was only with the advent of the war and the fact cheap oil came along at the same time that they switched from that method and it really is only starting to catch on again because of the economics involved in the oil situation.

Switzerland, for instance, has a sewage treatment plant and they incinerate their sludge to produce steam for their generators. Rome: There's a very interesting plant there equipped to separate waste paper, plastic film, ferrous metal, and it can produce animal feed and compost. It's a very complex mill, but the material that isn't recycled or reused is incinerated to produce steam for in-plant processes.

[5:30]

These things are all available. But here we are in this province, almost paralyzed in this area. We haven't really made any substantial progress at all.

The member for Beaches-Woodbine mentioned the plant at Downsview and the fact that it's just coming on stream. She's quite right; the garbage that plant will handle is only a drop in the bucket of the total garbage to be processed.

We have our "watts from waste" program that has been bogged down in legalese for years. Apparently that's been sorted out and is going to be resolved. But really there's no firm commitment on the part of this government to give any leadership in this area. If

there were, I'm sure that this government would be moving to give the municipalities direction to phase out landfill sites by the year 1981, as they've done in BC.

Mr. Speaker: The hon. member's time has expired.

Mr. Gaunt: That would force the municipalities to consider the options in this area. Having done so, I'm sure they would opt for resource recovery and recycling. I urge the support of all members in support of my colleague's bill.

Mr. di Santo: I join my colleagues from Beaches-Woodbine and Scarborough-Ellesmere in opposing this bill because I think it is a—

Mr. Kerrio: Good bill.

Mr. di Santo: —in a way redundant and repetitive, as explained by my colleagues. In another way it is deficient because the commission the member for Wentworth North wants to set up will comprise representatives of Ontario Hydro, the Ministry of the Environment, and business and industry. Representatives of business must constitute the majority of the members of the commission. Of course, he leaves out the representatives of the workers, while he wants to include representatives of the Reed corporation, who are among the major polluters in this province—

Mr. Wildman: So much for wooing labour.

Mr. di Santo: —with the complicity of the government of this province. So I don't think that if, as a result of this bill, we set up such a commission that the situation will improve at all. We know that we have a problem with waste disposal and resource energy recovery, but I don't think that the way to do that is through setting up a commission. This is not because I am, in principle, opposed to commissions; as has been pointed out, the Tory members who spoke on the bill are now scandalized by suggestions of a new commission, but they've been setting up hundreds of useless commissions in the last 34 years.

Mr. McCaffrey: Times change; it's the wave of the future. Read your leader's column. Just like the waves breaking on the beach.

Mr. di Santo: I really don't think a commission would do the job.

Mr. Germa: All you are doing is recycling Tories.

Mr. di Santo: In fact, the problems of waste disposal and energy recovery involve both economic and environmental problems.

Mr. Kennedy: Put in the ones that are needed and don't let in the ones that aren't needed.

Mr. Wildman: Instead of recycling Tories, we should be treating them as waste disposal.

Mr. Mackenzie: They have two standards: Old defeated Tories get recycled; workers are out of a job.

Mr. di Santo: With any type of waste, both organic and inorganic, we know that we create pollution of water, and air. At the same time, we need, today, billions of dollars for the collection, transportation and disposal of waste.

The problems, of course, are more serious where there are large concentrations of people in the cities, because there is less land available and because of stringent standards on quality. We also sometimes have problems with incineration, which requires additional and expensive pollution control devices. I think all of us are convinced that we have to move from the present situation towards a situation which will allow us to dispose of our waste and recover as much energy as possible from it, especially at this time when we are experiencing a shortage of energy, because of non-renewable sources of energy.

If the prospects for the future are rather bleak, I think the major problem that we have today in this area, as in many other areas, is that we are still operating in a consumption-oriented society which is unable to solve the problems it creates.

Last September, the Science Council of Canada, in a report called "Canada Is a Conserver Society," addresses itself to this very problem. It said we need a gigantic amount of money to recover energy from waste and that we need long-term government planning to change the present trends which are wasting billions of dollars every year. The report, which was addressing itself to Canada, said we need to shake up of pricing systems and advertising methods, as well as to revolutionize transportation and construction, altering employment patterns and everyday lifestyles and change the face of the Canadian city.

Only if we do that can we then handle the problems generated by our type of society, that is, the consumption society. We can then look towards the future with the hope we won't have the problems we now are unfortunately faced with and which will become more gigantic in the future. There are already rumours that we will have an oil shortage by 1985 and by that time per-

haps gasoline won't be available in the same way it is available now; we may very well need gasoline rationing.

I think the free enterprise system is unable to handle these problems.

Mr. Kerrio: It's not true, Odoardo; it's not true at all.

Mr. Wildman: Conservation is basically socialist.

Mr. Mackenzie: Like Anaconda, Exxon and some of the other boys that handle it—it's free enterprise.

Mr. di Santo: For my friend from Niagara, who usually takes the most reactionary stance, I should say that the Science Council of Canada is not a subversive institution, as the former member for Hamilton Mountain would have said, but it's set up by the federal government. It is set up mostly of Liberals like you; more open-minded Liberals but still Liberals.

This report amounts to a scathing criticism of integral aspects of the free enterprise system. The study finds the present market and financial mechanism incapable of insulating the nation from the future shocks that it says a majority of today's Canadians will live to experience. The Science Council of Canada then suggests that we should—

Mr. Wildman: An enlightened organization.

Mr. di Santo: —go toward what they call a "conserver society." They say that this is not something that can be legislated, but requires government involvement. I know that you don't like to talk about government involvement. You use quite demagogically this type of approach, especially in those areas where government is filled with suspicion. But the Science Council of Canada suggests more government involvement through legislation in the form of standards and controls, tax penalties or incentives, grants of interest free loans and sponsorship of many major research programs.

I think that only if we change our approach and our attitude, will we be able to solve this gigantic problem. The bill we are discussing doesn't face the problem because it excludes from the commission, a very important sector of the population, namely the workers. It should also have the consumers, who are often the victims of the waste disposal practice now. The bill is redundant because, as my colleague said before, it's a repetition in different words of a section of the Environmental Protection Act. For these reasons, even though I can understand the good intentions of the member for Wentworth North, I cannot vote for his bill.

Mr. Cunningham: I am glad the member for Wentworth (Mr. Deans) isn't here. I think he would be somewhat dismayed to hear the reactions from his party, especially the Metro members of his party, who are inclined I suppose, to see garbage—their garbage—taken from the city and dumped in rural areas. I think he would be somewhat disturbed in so far as he is having a garbage dump inflicted upon some of his constituents, contrary surely to his wishes and the wishes of those constituents. So to those members I say: keep your garbage in Toronto.

Very briefly to answer the legitimate inquiries by the member for Armourdale (Mr. McCaffrey), I could only suggest that the concept proposed in this bill requires the co-operation of both the public sector and the private sector. The public sector in so far as they have the responsibility for the collection of garbage and much of the cost associated with it both directly and indirectly; the private sector, because it is the private sector that will develop the markets to make recycling an economically viable activity.

I must say I am somewhat dismayed that the members of the NDP are concerned about the establishment of a commission that will require the government to put the individuals on it. I would hope that we have not reached that low stage where patronage has to prevail in everything.

Mr. Conway: True to their rags and tatters tradition.

[5:45]

Mr. Cunningham: I would respond to the member from Mississauga who quoted Civic magazine. I, too, read it, and I would like to share with him part of the article of October, 1977; the headline says: "Entirely Feasible for Canada."

"It's something you would expect to see in the 2001 and best of all it's entirely feasible for Canada. This was the view of Mr. Peter Maclean, president of M and T Chemicals, Hamilton, after touring Milwaukee's new full scale resource recovery operation. He said: 'The Americology plant is a network of systems that are working so favourably, we are already looking at it as a commercially operative prototype for the future resource recovery systems in Canada.'

"He went on to say: 'For more than a year now we have been working hard at developing markets for recycled resources. Our progress in that area, together with the arrival of proven technology at Milwaukee, suggests to us that resource recovery has arrived, not simply in experimental form but as a proven large-scale operation.'

"Art Childs, also an employee of that company"—and I might add a former conservative member of this House—"went on to say the Milwaukee problems of solid waste disposal were very similar to those being experienced in Canada today by a number of cities, including Toronto and Hamilton.

"He went on to say: 'Lack of landfill sites, increased public opposition and escalating hauling costs are but some of the prominent waste disposal difficulties facing our elected officials.' Mr. Childs said, the biggest problem was that of getting the various bodies together and on the same wavelength. That was the most difficult hurdle. He said, 'We have invited a number of key provincial, municipal and industrial officials to visit Milwaukee. Those who have gone have generally returned with positive feelings toward our future solid waste disposal'."

I can only suggest that if such a commission were established, I would think they could spark and encourage the establishment of such a plant. In my own area it would certainly work to the advantage of both the investors and the workers employed in the plants, and companies like Dofasco and Stelco, the glass companies who require those raw materials, M and T themselves. It would save valuable farmland in places like Glanbrook, Tremaine-Britannia in Milton. Most importantly, it would save us, as taxpayers, a great deal of money.

I must say I am very disappointed at the narrow attitude taken by both the NDP with their adherence to socialism and the Conservative government in their rather inane attempt to prop up the Ministry of the Environment.

Mr. Speaker: If I could have the attention of the hon. members, there are two items before the House.

Firstly, Mr. Eaton has moved second reading of Bill 101, An Act to amend the Petty Trespass Act. Any member objecting to this being put to the House at this time should now rise.

The second item is second reading of Bill 105, moved by Mr. Cunningham, an Act to establish the Ontario Commission on Waste Management and Resource Recovery Systems. Any member objecting to this bill being put to the House at this time should now rise.

PETTY TRESPASS AMENDMENT ACT

The House divided on Mr. Eaton's motion for second reading of Bill 101, which was approved on the following vote:

AYES
 Ashe
 Auld
 Baetz
 Bennett
 Blundy
 Breithaupt
 Brunelle
 Campbell
 Conway
 Cunningham
 Cureatz
 di Santo
 Drea
 Eaton
 Edighoffer
 Elgie
 Epp
 Gaunt
 Gregory
 Grossman
 Hall
 Hodgson
 Johnson
 Jones
 Kennedy
 Kerr
 Lane
 Leluk
 Lewis
 MacBeth
 MacDonald
 Maeck
 Mancini
 McCaffrey
 McKessock
 McNeil
 Miller, F.S.
 Miller, G.I.
 Newman, B.
 Newman, W.
 Nixon
 Norton
 Parrott
 Peterson
 Philip
 Reid
 Rotenberg
 Rowe
 Ruston
 Samis
 Sargent
 Scrivener
 Smith, S.
 Smith, G. E.
 Sterling
 Sweeney
 Taylor, G.
 Van Horne
 Villeneuve
 Walker

NAYS
 Bounsall
 Bryden
 Cooke
 Davidson
 Davison
 Foulds
 Germa
 Gigantes
 Grande
 Haggerty
 Kerrio
 Laughren
 Lupusella
 Mackenzie
 Makarchuk
 Martel
 McClellan
 Swart
 Warner
 Young

AYES
 Welch
 Wells
 Wildman
 Williams
 Wiseman
 Worton
 Yakabuski

Ayes, 67; nays 20.

Motion agreed to.

Mr. Speaker: Shall the bill be ordered for third reading?

Mr. Eaton: Mr. Speaker, I would ask that it be referred to the standing resources development committee.

Agreed.

ONTARIO COMMISSION ON WASTE MANAGEMENT AND RESOURCE RECOVERY SYSTEMS ACT

The House divided on Mr. Cunningham's motion for second reading of Bill 105, which was negatived on the following vote:

AYES	NAYS
Blundy	Ashe
Breithaupt	Auld
Campbell	Baetz
Conway	Bennett
Cunningham	Bounsall
Edighoffer	Brunelle
Epp	Bryden
Gaunt	Cooke
Haggerty	Cureatz
Hall	Davidson
Kerrio	Davison
Mancini	di Santo
McKessock	Drea
Miller, G. I.	Eaton
Newman, B.	Elgie
Nixon	Foulds
Peterson	Germa
Reid	Gigantes
Ruston	Grande
Sargent	Gregory
Smith, S.	Grossman
Sweeney	Hodgson
Van Horne	Johnson
Worton	Jones
	Kennedy
	Kerr
	Lane
	Laughren
	Leluk
	Lewis
	Lupusella
	MacBeth
	MacDonald
	Mackenzie
	Maeck

NAYS

Makarchuk
Martel
McCaffrey
McClellan
McNeil
Miller, F. S.
Newman, W.
Norton
Parrott
Philip
Rotenberg
Rowe
Samis
Scrivener
Smith, G. E.
Sterling
Swart
Taylor, G.
Villeneuve
Walker
Warner
Welch
Wells
Wildman
Williams
Wiseman
Yakabuski
Young

Ayes 24; nays 63.

Mr. Speaker: The motion is lost. That concludes this order of business.

Hon. Mr. Welch: Mr. Speaker, may I take advantage of this particular point in our proceedings to indicate the order of business for the week of December 5.

In addition to the regularly scheduled committee meetings, including estimates, perhaps I cou'd indicate the legislation program. We will have legislation Tuesday afternoon, and evening; and next week we will also have legislation on Thursday evening, if you would please note that change.

The legislation to be considered on Tuesday, not necessarily but likely in this order: Bills 102, 103, 107, 111, 94 and 43, 88 and 98. If I could carry on over to Thursday evening of next week, we more than likely will require that particular evening to complete Bill 98, with a bell at 10:15.

On Thursday afternoon it will be ballot items 15 and 16 standing in the names of the member for Carleton East (Ms. Gigantes) and the member for Mississauga North (Mr. Jones).

The House recessed at 6 p.m.

CONTENTS

Thursday, December 1, 1977

Credit union deposit protection, statement by Mr. Grossman	2459
Point of order re confidentiality of health records, Mr. Lewis	2459
Cyclone relief fund, statement by Mr. Davis	2460
Confidentiality of health records, statement by Mr. Timbrell	2460
Confidentiality of health records, questions of Mr. Timbrell: Mr. S. Smith	2460
Browndale, questions of Mr. Norton: Mr. S. Smith, Mrs. Campbell, Mr. Lewis	2461
Confidentiality of health records, questions of Mr. Timbrell: Mr. Lewis, Mr. Conway, Mr. S. Smith, Mr. Duksza	2462
Radiation levels, questions of Mr. Kerr: Mr. Lewis	2464
Misconduct by police, question of Mr. MacBeth: Mr. Stong	2464
Radiation levels, questions of Mr. Kerr: Mr. Cassidy	2465
Huron Regional Centre, questions of Mr. Norton: Mr. G. E. Smith, Mr. Breithaupt	2465
Abortions, questions of Mr. Timbrell: Mr. Sweeney	2466
Settlement Corporation, questions of Mr. Rhodes: Mr. Deans	2466
Nitrates hazard, questions of Mr. W. Newman: Mr. Johnson	2467
Minaki Lodge, questions of Mr. Davis: Mr. Eakins	2467
Training school death, questions of Mr. Norton: Mr. McClellan	2468
Fire at judge's home, question of Mr. MacBeth: Mr. Cunningham	2469
Barrie-Toronto rail service, questions of Mr. Snow: Mr. Hodgson	2469
School bus safety, question of Mr. Snow: Mr. Worton	2469
Disability pensions, question of Mr. Norton: Mr. Lupusella	2470
Tabling of legal documents, questions of Mr. McMurtry: Mr. S. Smith	2470
Bribery case, question of Mr. McMurtry: Mr. di Santo	2470
Boiler inspection, questions of Mr. Grossman: Mr. Riddell, Mr. Gaunt	2471
Laurentian Hospital bribery inquiry, questions of Mr. McMurtry: Mr. Martel	2471
Presenting petition from OPSEU re job cutbacks, Mr. Van Horne	2471
Notice of dissatisfaction re answer to oral question on bribery case, Mr. di Santo	2472
Report, select committee on the Ombudsman, Mr. Davison	2472
Report, standing general government committee, Mr. Gaunt	2472
Report, standing administration of justice committee, Mr. Philip	2472
Report, standing procedural affairs committee, Mr. Breaugh	2472
Royal assent to Bills 91, 97, Pr5, and Pr14, the Honourable the Lieutenant Governor ...	2472

Private members' business re Petty Trespass Amendment Act, on second reading: Mr. Eaton, Mr. Riddell, Mr. Wildman, Mr. Johnson, Mr. McKessock, Mr. Foulds ..	2472
Ontario Commission on Waste Management and Resource Recovery Systems Act, on second reading: Mr. Cunningham, Ms. Bryden, Mr. McCaffrey, Mr. Peterson, Mr. Warner, Mr. Kennedy, Mr. Gaunt, Mr. di Santo	2484
Petty Trespass Amendment Act, Mr. Eaton, second reading	2497
Ontario Commission on Waste Management and Resource Recovery Systems Act, Mr. Cunningham, negatived on second reading	2498
Business of the House, Mr. Welch	2499
Recess	2499

SPEAKERS IN THIS ISSUE

Breaugh, M. (Oshawa NDP)
Breithaupt, J. R. (Kitchener L)
Bryden, M. (Beaches-Woodbine NDP)
Campbell, M. (St. George L)
Cassidy, M. (Ottawa Centre NDP)
Conway, S. (Renfrew North L)
Cunningham, E. (Wentworth North L)
Davis, Hon. W. G.; Premier (Brampton PC)
Deans, I. (Wentworth NDP)
di Santo, O. (Downsview NDP)
Duksza, J. (Parkdale NDP)
Eakins, J. (Victoria-Haliburton L)
Eaton, R. G. (Middlesex PC)
Edighoffer, H.; Deputy Speaker (Perth L)
Foulds, J. F. (Port Arthur NDP)
Gaunt, M. (Huron-Bruce L)
Germa, M. C. (Sudbury NDP)
Grossman, Hon. L.; Minister of Consumer and Commercial Relations (St. Andrew-St. Patrick PC)
Haggerty, R. (Erie L)
Hodgson, W. (York North PC)
Johnson, J. (Wellington-Dufferin-Peel PC)
Kennedy, R. D. (Mississauga South PC)
Kerr, Hon. G. A.; Minister of the Environment (Burlington South PC)
Kerrio, V. (Niagara Falls L)
Lewis, S. (Scarborough West NDP)
Lupusella, A. (Dovercourt NDP)
MacBeth, Hon. J. P.; Provincial Secretary for Justice and Solicitor General (Humber PC)
MacDonald, D. C. (York South NDP)
Mackenzie, R. (Hamilton East NDP)
Makarchuk, M. (Brantford NDP)
Martel, E. W. (Sudbury East NDP)
McCaffrey, B. (Armourdale PC)
McClellan, R. (Bellwoods NDP)
McKessock, R. (Grey L)
McMurtry, Hon. R.; Attorney General (Eglinton PC)
Newman, Hon. W.; Minister of Agriculture and Food (Durham-York PC)
Nixon, R. F. (Brant-Oxford-Norfolk L)
Norton, Hon. K.; Minister of Community and Social Services (Kingston and the Islands PC)
Peterson, D. (London Centre L)
Pope, A. (Cochrane South PC)
Rhodes, Hon. J. R.; Minister of Housing (Sault Ste. Marie PC)
Riddell, J. (Huron-Middlesex L)
Samis, G. (Cornwall NDP)
Sargent, E. (Grey-Bruce L)
Smith, G. E. (Simcoe East PC)
Smith, S.; Leader of the Opposition (Hamilton West L)
Snow, Hon. J. W.; Minister of Transportation and Communications (Oakville PC)
Sterling, N. W. (Carleton-Grenville PC)
Stokes, Hon. J. E.; Speaker (Lake Nipigon NDP)
Stong, A. (York Centre L)
Swart, M. (Welland-Thorold NDP)
Sweeney, J. (Kitchener-Wilmot L)

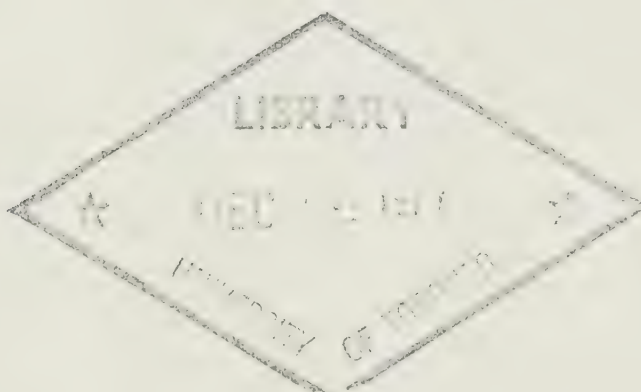
Timbrell, Hon. D. R.; Minister of Health (Don Mills PC)
Van Horne, R. (London North L)
Warner, D. (Scarborough-Ellesmere NDP)
Wildman, B. (Algoma NDP)
Worton, H. (Wellington South L)



No. 67

Legislature of Ontario Debates

Official Report (Hansard)
Daily Edition



First Session, 31st Parliament

Thursday, December 1, 1977

Evening Sitting

Speaker: Honourable John E. Stokes

Clerk: Roderick Lewis, QC

CONTENTS

A list of the speakers taking part in the debates in this issue of Hansard appears, in alphabetical order, at the back of this issue.

Daily contents of proceedings also appears at the back of this issue. Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff. (Phone 965-2159)

Hansard subscription price is \$15.00 per session, from: Sessional Subscription Service, Printing Services Branch, Ministry of Government Services, 9th Floor, Ferguson Block, Parliament Buildings, Toronto M7A 1N3. Phone 965-2238.

Published by The Legislative Assembly of the Province of Ontario.
Editor of Debates: Peter Brannan.

LEGISLATURE OF ONTARIO

THURSDAY, DECEMBER 1, 1977

The House resumed at 8 p.m.

Mr. Speaker: During the supper recess, I was pleased that so many members were able to attend the unveiling of the portrait of Mr. Speaker Rowe. The proceedings were recorded by Hansard. Would it be the wish of the House to include this as an appendix to Hansard?

Agreed. (See appendix page 2532.)

Mr. Warner: Point of order.

Mr. Worton: Mr. Speaker, could we have a call for a quorum?

Mr. Speaker called for the quorum bells.

On resumption:

SELECT COMMITTEE ON THE FOURTH AND FIFTH REPORTS OF THE ONTARIO COMMISSION ON THE LEGISLATURE

Consideration of the March 29, 1977, Report of the Select Committee on the Fourth and Fifth Reports of the Ontario Commission on the Legislature.

Mrs. Campbell: Thank you, Mr. Speaker. I would like to comment briefly on the fact that these reports which we're studying tonight are reports which belong to the members of this Legislature.

Mr. Haggerty: You'd never know it though.

Mrs. Campbell: It's very sad to me, Mr. Speaker, that we debate this kind of a report in the dying moments, as it were, of the December session.

Last year, you may recall, in order to get anything debated at all we had to set up an ad hoc committee. We did get through some of the provisional changes in the rules and we did get some of the committees set in place. Yet here tonight we are debating again, and further, other reports of this committee; and there does not seem to be a very real concern by the members about their privileges and about services to them.

The recommendations of the Morrow committee came out of the Camp commission report in the first instance, and as a result of a study which the committee made when it went to Ottawa to look at the operation of Parliament and its committees. It is interesting that we have set up committees of

this House which were intended to correspond with the committees in the federal government, as I understood it, being a member of that committee.

One of those committees to implement the discussions on the reports was the members' services committee which I, at the moment, have the honour to chair. I don't know whether it really is an honour to chair that committee, because we are having great difficulties in getting our members together because of the uncertainties about the subject matters with which we are called upon to deal.

It seems to me, Mr. Speaker, that I should read into the record a letter from Mr. Speaker Jerome setting out the members' services committee function in Ottawa so that I may then comment on the way in which these recommendations could flow if they were acceptable to government. I may say that we wrote to every Speaker in Canada, in each of the provinces, and including of course Mr. Speaker Jerome.

In a letter to me of November 16, answering my paragraph concerning a description of the function of the committee in Ottawa, he says this—and I think it's interesting to bear it in mind since we hear so often just how autocratic the government party in Ottawa is; however if I may just read this we may see how we can perhaps improve our services here.

"I can tell you in answer to your inquiry in the fourth paragraph of your letter that there does exist in the House of Commons a standing committee on management and members' services.

"Its terms of reference are to be found in standing order 65-1-S as follows: 'On management and members services which is empowered to advise Mr. Speaker as well as the Commissioners of Internal Economy on the administration of the House and the provisions of services and facilities to members; to consist of not more than 12 members.'

"The committee has been in existence for two years. It has, since its inception, been under the chairmanship of a member of the official opposition and has as its permanent witnesses the Clerk of the House and other senior officials.

"I appear before the committee from time

to time as Speaker of the House, notably in connection with the study by the committee of the estimates of the House of Commons, and when the committee feels it desirable to invite me on other topics."

I read that in because it demonstrates what seems to me to be absolutely necessary if the members' services committee is to be able to cope with the recommendations of the Morrow report and to come back to the House with a meaningful report.

You will recall, Mr. Speaker, that this committee has made one report. It was, I suggest Mr. Speaker, perhaps improperly a direction to Mr. Speaker—at least a request—to engage the services of a parliamentary librarian in accordance with the recommendations contained in the report which is before us tonight and flowing from the Spicer report on library services. Because there is no connection at all between this committee and the Board of Internal Economy, nothing has transpired. We are not the advisers to the board; we are not the advisers to anybody other than the House, and the House adopted that report unanimously.

[8:15]

Since then, I am led to believe, consternation has been raised. There has been a legal opinion given as to what the status of a report, unanimously adopted by the House, shall have before the Board of Internal Economy. Until this can be resolved, the members' services committee cannot usefully function on behalf of the members of this House, in my submission, because almost every single, solitary recommendation we might consider does involve, directly or indirectly, some financial implication.

I may say our committee took the step of first ascertaining whether a recommendation of this kind would call for supplementary estimates or would call for additional money up to March 31, 1978. We were assured the money is in that budget now. I suppose we have to know whether the government has a commitment to bring the library services of this establishment into line in accordance with the recommendations of the report. But on the other hand, until we do engage the services of a librarian, we aren't going to be able to move further in this field.

This concerns me, because we have a library, and we have staff. It seems to me if we believe that library should serve the members so they may better serve their constituents, then we, as members, ought to be speaking out and asking the government for some commitment. I don't think that's an

unfair position for us to take, having already made our first report.

As we go through the recommendations before us, the first one is the recommendation that responsibility for the legislative building be transferred to the Speaker. In my view, as a philosophy, I concurred in that recommendation at the time of the report and I have not changed my mind. I would like to say this, however, that my committee, I think all of the members of it, have expressed their deep appreciation of the attitude of the Minister of Government Services (Mr. McCague) in seeking to resolve some of the very real problems of such things as space allocation, and the matters of the provision of suitable committee rooms to carry on the essential function of this House. While I believe that in the end result there is no question in my mind that for all of the traditional reasons the House ought to be under Mr. Speaker, I feel perhaps at this point we should be asking Mr. Speaker and the Minister of Government Services to jointly chair a committee of their senior staff to try to work out the problems which will be inevitable until such time as some vacancies occur. I don't think it's asking too much that this senior staff be allocated to this purpose; because it is something more than a shuffle we're talking about, there is a great deal of planning involved.

Mr. Speaker cannot oust people from this building very well. There has to be co-operation on where they end up after they leave this building. It seems to me that that might be a logical approach for an interim period, until we see how the planning goes for this building.

How many committees have we had sitting this fall? If we add the Inco committee, which is not sitting at the moment, we've had members' services, statutory instruments, procedural affairs, plus estimates. Are there any others I've left out?

Mr. Gaunt: General government.

Mrs. Campbell: General government, that's one of the estimates committees.

Mr. Speaker has two committee rooms which come within his jurisdiction. That, Mr. Speaker, is a pretty ridiculous situation.

Of course, the Minister of Government Services has been most generous in allocating room 228 when it's needed, and some rooms over in the Macdonald Block when they're needed.

Our report very clearly suggests—in fact the recommendation is: 'There should be five medium-sized committee rooms and a sixth small committee room. Two adjacent

medium-sized rooms should be designed to expand into one very large room."

We consulted the Clerk of this House on the possibility of our making a recommendation through members' services to proceed to make the necessary allocations of moneys, or to proceed to do the renovations necessary to create this one large room. There is no doubt that we have the right to make that recommendation, but I suggest that without the kind of linkage between our committee and the Board of Internal Economy we are working at cross purposes, or at least we're working in a vacuum.

Our committee is so busy, our members are so busy, that it is very discouraging to them to sit, only to realize that there is no end result to the recommendations they make or the work they're doing.

We have made, I think, pretty ample recommendations to protect the very real rights and privileges of the government of the province. We do believe, and we have spelled out that we believe, that justifiably the Premier (Mr. Davis) should have his office in this building and that the cabinet should have their space in the building. But we have seen this past summer what I think was one of the most regrettable battles, one that shouldn't have had to take place at all if there had been ample space of a suitable nature for all the members of the House. I regret very much that, notwithstanding the report, no real effort seemed to be made until quite recently, in an overall picture, to try to come to grips with the needs of members.

Mr. Haggerty: You should have seen my office; and Mr. Ruston's office.

Mr. Maeck: I don't understand what you are referring to.

Mrs. Campbell: I will have to go back in history. As you are aware in 1975 as a result of the elections, the New Democratic Party became the official opposition.

Mr. Makarchuk: Did you have to bring that up?

Mrs. Campbell: Their leader at first stated they did not wish to have the offices which have traditionally been set apart for the official opposition.

As I understand it, space was allocated accordingly. Subsequently, the leader made it clear he had not intended quite what was said, but, in fact he did want the space although not for his own purposes.

The Liberals immediately moved out, as I suggest was our obligation, and we started seeking space from the government. We

felt very strongly that was the way in which the space allocation should come. We had no quarrel with what was then the official opposition.

As you know, that was somewhat reversed as a result of the last election. At that point in time a very real, rhubarb I guess you could call it, developed, whereby we were unable to take over what was traditionally the leader of the official opposition's area. We had to wait to try to find out how this problem could be accommodated.

Mr. Kerrio: Besides that, the socialists couldn't believe it had happened.

Mrs. Campbell: I may say, of course, in the meantime, we were successful in pointing out we were very badly disadvantaged, space-wise, after 1975. We did obtain a suite of rooms or a group of rooms on the third floor. The Speaker at that point, not our present Speaker but his predecessor, was the one who had to make the decision. He was in no position to try to allocate space except within the areas under his control. So he allocated space to the third party, removing some of our members from that area.

I am not suggesting he could have done much other than what he did, because he had no other control of the building, but I am suggesting that should not have occurred and we should not be engaged in this kind of confrontation as members of this House.

We recommended in our report that there be allocated approximately 500 square feet per member plus secretary.

Mr. Maeck: No, no.

Mrs. Campbell: I mean the secretary would be a part of that 500, I am sorry. The 500 square feet was to include the member's office plus the secretary, that is what I meant by "plus the secretary".

[8:30]

Certainly I do not know of a committee that analysed this building the way we did on the Morrow committee. We went over every nook and cranny, Mr. Speaker, but the basis on which we came to this conclusion was first to look at what we thought was the need of the member; and secondly the configuration of the building itself, recognizing that there would, of course, be differences because of the building and not because of any desire to give one member any advantage over another.

The new report seems to suggest about 450 square feet instead of the 500. In the normal course I don't think that there is a quarrel with that, except that it might be reduced from that amount; and I think a reduction short of 450 would be intolerable.

Some rooms that we looked at are under 500 and we felt they would be adequate, but once we accept the 450, I think we are in danger of having that further cut.

We just know that members of this Legislature should not be sitting in broom closets. They should have ample space to work with dignity, to see their constituents, to see delegations; and what is more they ought to have a variety of furnishings to suit their special type of operation. It should not be psyched into such a uniformity as we witnessed in the Morrow report where we were advised that you couldn't get shelving because it wasn't in the specifications—this is ridiculous.

I want to say this to the House, I am very sad that there is not a cabinet minister concerned enough with the needs of members to be here tonight. I had hoped that at least the Minister of Government Services might have been here to hear what we have to say about this building.

Mr. Ruston: Send him a telegram.

Mrs. Campbell: It fills me with concern. It may, of course, be attributable to me and not the subject matter, but I am of the opinion that if this is the expression of the government's concern for members' services then we are at a complete loss in our committee to proceed to make a useful contribution on behalf of the members of this Assembly; and I don't think that is an unfair statement.

We have agreed, Mr. Speaker, that we will try to divide up the time uniformly and I have taken now, I believe, almost my half hour. But I do want to say this: coupled with tonight's demonstration of interest, I have the gravest concern about some of those matters which we have already passed, and I am speaking of what is taking place in the private members' hour. I thought every member of the Morrow committee felt that this was an important hour for the private member to be able to give some thrust into the philosophies and the legislative procedures of this House. I have been bitterly disappointed that the government has chosen to stonewall every human rights issue which has been raised thus far in this House, by rising not only with its 20 members but for the most part its whole group.

Mr. Kerrio: We haven't had a free vote; we haven't had one free vote.

Mr. Maeck: Who says so?

Mr. Kerrio: Shame.

Mrs. Campbell: I feel strongly that this is a distortion—of the private member's rights and privileges. Surely it is appropriate that

there be free votes during private members' hour. I congratulate both our caucus and the third party caucus because we have stood in place giving full dedication to the principle of the right of the private member.

Mr. Maeck: Tell us about the kind of bills you brought in and asked us not to veto.

Mr. Kerrio: Stonewalling.

Mrs. Campbell: Let's take a patients' rights bill or a freedom of information bill; those were two bills that were stonewalled.

Mr. Maeck: You knew they'd be vetoed before you brought them in.

Mr. Kerrio: You can't justify your position, no matter what you say.

Mrs. Campbell: Mr. Speaker, all I'm saying is, why can't we have enough dedication to that principle of the right of the private member that that bill may at least go to a vote.

Interjection.

Mrs. Campbell: My own leader's resolution was stonewalled. It seems to me that it would be a great pity if after a period of time the total opposition were to join forces and take the same position, because we would then be playing a partisan game with the right of the individual member to be heard. I would hope, sincerely, that the government would take some note of this and that we might get to the point where we don't whip our caucuses but allow a free vote; because that, I believe, was the intent. In debating this whole matter of 20 members standing, we were not really contemplating 20 members of one party. We were saying that there could be 20 members who rose in their places in any part of the House, in any caucus. But the way it's working now is that 20 members and more—every government member who's in the House at the time—rise.

I'm only raising that, Mr. Speaker, because of my concern that the government is not interested in the debate on these reports.

Mr. Haggerty: As shown by their absence tonight.

Mrs. Campbell: And if they're not interested, I don't know what a members' services committee can do.

Mr. Maeck: How many are there? How many have you got? Don't talk too loud; count them.

Mrs. Campbell: Just a minute; it is the government that has to say what it's going to do about these recommendations because they involve the expenditure of money.

Mr. Maeck: Two NDPs, six Liberals; and you complain about us.

Mrs. Campbell: It is therefore for that reason that they ought to be here, at least as a courtesy to hear what is being said.

Mr. Maeck: Mention how many committees are sitting while you are up.

Mrs. Campbell: Is there a quorum, Mr. Speaker?

Clerk of the House: There is not a quorum present, Mr. Speaker.

Mr. Speaker called for the quorum bells.

On resumption:

Mr. Martel: Mr. Speaker, five years ago the government of Ontario appointed the Camp commission. It said it was interested in knowing how it could improve the role of the back-benchers.

After five years and five reports by the Camp commission, and three reports by the Morrow committee, we have one cabinet minister who gives a damn about the role of the back-bencher in the province of Ontario in 1977.

Mr. Sargent: He doesn't care either.

Mr. Martel: And I must say he came in at 25 minutes to nine, which tells me that the government of Ontario, besides having its trained seals in the back row, really doesn't give a damn about what goes on in this place.

Mr. Makarchuk: That's right.

[8:45]

Mr. Martel: As long as the government has got the bodies to vote for them when they need them, that's as far as it goes. Because the interest demonstrated tonight in discussing the Morrow report—which was a unanimous report, I remind the House; in fact all three reports were unanimous—there were no dissents whatsoever—

Mr. Maeck: Hold it. I made a dissent.

Mr. Martel: I must apologize. My friend from Parry Sound says he made a dissent. I know that in the last report which I have before me—

Mr. Maeck: That's the one I made the dissent on.

Mr. Martel: What did you dissent on? We didn't allow Parry Sound into northern Ontario?

Mr. Maeck: That's how much you know about the report.

Mr. Martel: Mr. Speaker, the member for Parry Sound is getting a little exercised. He will have his opportunity in a few moments.

Mr. Maeck: I am going to take it and I am going to remind you—

Mr. Martel: That's right. That's what it's all about.

Mr. Maeck: —about the members who sat in the lobby when we had the quorum call.

Mr. Sargent: There's no quorum in the front row. They are the guys we should be talking to.

Mr. Maeck: We don't care about the front row.

Mr. Sargent: We do. You don't make any decisions over there.

Mr. Martel: Mr. Speaker, shall I give the whip the floor?

Mr. Gaunt: The wheels of time grind slowly.

Mr. Martel: There was not a cabinet minister here—

Mr. Sargent: You are getting pretty cocky over there.

Interjections.

Mr. Martel: —and the member for Parry Sound can get exercised as much as he wants. Those people who will ultimately make the decisions on whether they improve the role of the back bench or not weren't here and still aren't here. We can't apologize for that and he can't rationalize it away. He can pretend that we don't know the report but we wrote as much of it as he did. Those people who make the decisions which will make the role of the back-bencher meaningful aren't here. It's as simple as that.

They knew that this debate was on this evening. In fact we discussed it with the House leader last Tuesday evening. I suspect the member for Parry Sound is as frustrated as the rest of us at the lack of attendance here this evening, because he worked like the rest of us very hard to try to bring in a report which made sense and which gave all the back-benchers in this Legislature a meaningful role. I suspect some of his over-reaction is as a result of the frustration he experiences with not having cabinet ministers here who can make those decisions.

Mr. Makarchuk: Very perceptive.

Mr. Martel: We came in with three reports which would have changed the role here rather dramatically. We all know the cabinet. Those guys who move from the back bench to the cabinet very quickly forget what it's like in the back bench. They forget that back-benchers need services just as cabinet ministers do, and to obtain the least of the services is a major battle.

I recall two weeks ago spending an eve-

ning with Mr. Speaker and the former minister who recently resigned and the former minister was complaining he couldn't even get a tape recorder. He needed it to fulfil his role as a member of this Legislature, and after weeks of trying he still wasn't in a position to obtain the use of a stenorette in his home or in transit. That's not denied a cabinet minister, if he wants it. If he needs it in his work it's provided. What's wrong with providing it for the back-benchers? I mean, it's stupid.

Everything that goes on with respect to services for back-benchers is in the 19th century. You have to fight like hell to get anything, and that's on all three sides of the House. That's no more so on this side than it is over on that side of the Legislature. I ask those people who could make those changes possible, if they were interested in what goes on in their ranks as we are in ours, where are they—

Mr. Makarchuk: Do you believe in democracy?

Mr. Martel: —to make those decisions which would make it easier? I think it's time that if the member for Parry Sound is going to get up to speak that he speaks the way he did in committee. He should not come out tonight and defend the fact there are no cabinet ministers here, with the exception—

Mr. Makarchuk: With the exception of the Minister of Housing.

Mr. Martel: —of my friend, the Minister of Housing, who like me comes from northern Ontario and shows a much greater concern.

Mr. Davidson: Rhodes showed up in the last five minutes.

Hon. Mr. Rhodes: That's a bunch of garbage and you know it.

Mr. Germa: At 25 minutes to 9.

Mr. Davidson: I said you showed up for the last five minutes of the member for St. George (Mrs. Campbell).

Hon. Mr. Rhodes: You can't even tell the time, dummy.

Mr. Deputy Speaker: Order.

Mr. Martel: The Morrow committee came to the conclusion that if we were ever going to obtain—

Mr. Makarchuk: It's a good thing John isn't a member of the Albany Club. Every time you go there, they disinfect it afterwards.

Mr. Martel: —services for members we were convinced that Mr. Speaker had to be in charge of the building—totally; that we would have to go through Mr. Speaker and

the Board of Internal Economy so that members wouldn't be played off between Government Services and the Board of Internal Economy and Mr. Speaker and what not. There had to be a focus. In most legislatures you find that Mr. Speaker is totally in charge of the building and what goes on within the confines of that particular building.

Part of our problem is that it doesn't happen here. When we need quarters for members or their staff—and to the credit of the new Minister of Government Services (Mr. McCague), he is prepared to do it—we have to fight to get some space. Former government ministers in that capacity really didn't care. We fought with them continually. But the new minister, to his credit, is trying to obtain space for the members.

But if Mr. Speaker were in charge of this building, the fact that Mr. Speaker is neutral—

Hon. Mr. Rhodes: Is he ever!

Mr. Martel: He certainly is. I want to say he is much more neutral than some of the Speakers I have seen over the years that I have been here.

Mr. Maeck: Watch it, watch it.

Mr. Sargent: Look at the policeman over there.

Mr. Martel: I want to tell you, if he were in charge and being neutral, he would have to look after everybody's interests in the same manner. But that doesn't happen when it comes under Government Services. And what has been the experience around here? Forgetting the role of the private member, for one thing. Look at the building, look at what Camp wrote about the building.

Hon. Mr. Rhodes: Beautiful.

Mr. Martel: He couldn't find enough adjectives to illustrate how badly this building had deteriorated—with the paint falling off the walls.

Mr. Makarchuk: Even the pigeons departed from it.

Mr. Martel: Like rats from a sinking ship. Even the pigeons won't stay with us—it's so bad.

Mr. Germa: You guys are really in trouble.

Mr. Martel: Camp wrote an entire section on the building and what has happened. Camp came in with a report in 1972, a report in 1973, a report in 1974 and the government had ample opportunity to act on it. They acted on the first two or three volumes themselves, but to slow down the process they sent the remaining two to a select committee, and it has just taken that much longer. The

government uses it—most governments do—as a kind of vehicle which impedes the implementation of the various recommendations.

It's a sop because the government could have acted on Camp four and five if it had wanted to. It could have improved this building. This building is supposed to be a representation of the provincial capital; this is supposed to be the capitol for this province; it's a horrible building.

I've been here 10 years and down on the main floor are the same exhibits that were there 10 years ago. We have got that chunk of rock from Cabalt—

Mr. G. I. Miller: Elie, it's a beautiful exhibit.

Mr. Martel: —and we've got an old stuffed ermine, and we've got a few other vermin down there. It hasn't changed in my 10 years. I suspect it was there, Murray, when you came some six years before I did. It hasn't changed a jot. The only thing that has occurred is that the building has continued to deteriorate.

Mr. Sargent: It is a sleazy operation.

Mr. Martel: As is mentioned, interestingly enough, in other reports, we've built Ontario Place, we've built Ontario Hydro down the street—

Mr. Maeck: Minaki—don't forget about Minaki.

Mr. Martel: Minaki Lodge, yes—and the province's capitol—the building which houses the members—is allowed to deteriorate beyond the pale. Tonight when we could, hopefully, get from the government its indication as to whether it intended to improve conditions, nothing. We don't even get a cabinet minister in. That's a disgrace, because what else did we talk about?

Mr. Makarchuk: They're all over at the Albany Club.

Mr. Martel: Not only did we talk about Mr. Speaker having jurisdiction, that this entire building should be renovated, but we should make it—as other provinces have—a historical building where we would show part of the history of Ontario, maybe on a rotating basis, so that the captive audiences that come here—the students who are forced to come down here day in and day out—might see some of the history of this province. All they see is an old stuffed mink or something down the hall and a piece of cobalt. That's it.

The chamber itself, if one looks around, could use some improvement. It hasn't been changed, I guess, since Moby Dick was a minnow.

Mr. Baetz: You've been here 10 years too long, Elie.

Mr. Martel: Well, Reuben, you won't do anything about getting me out of here, I want to tell you.

Mr. Elgie: But what if he can?

Mr. Baetz: Great guy—you should stay.

Mr. Martel: This building, this part of the quarters, should in fact be improved. There's a whole series of recommendations. We made a whole series of recommendations with respect to meeting rooms. If we'd had representation come before the Inco committee last week, we wouldn't have had a committee room big enough to hold the people.

Hon. Mr. Rhodes: Let's adopt the report.

Mr. Martel: Would you like to adopt the report? Move its adoption and I'll second it. No, they won't let me. But I'll second it if you'll move it, John.

Hon. Mr. Rhodes: I'll go along with that—you're not much of a mover.

Mr. Martel: You may be right. There are people around who are better.

Mr. Sargent: The minister isn't moving much on housing.

Mr. Martel: The committee rooms in my opinion are a disgrace.

Hon. Mr. Rhodes: Make up your mind, Eddie—you said there were too many, now you say there aren't enough.

Mr. Martel: You've got microphones that fall over if you happen to sit down at the wrong angle at the table; if you happen to joke, everything falls over. They're dumps. I can't describe it any better.

Hon. Mr. Rhodes: That is because you guys spill coffee all over them.

Mr. Martel: There isn't a municipal council in this province that has worse quarters to work in than the members of this Legislature. People come in from across the province to those committee rooms. It's a disgrace, it really is. Wires strung along the floor—

Mr. Makarchuk: We tell them that the Premier (Mr. Davis) is in charge.

Mr. Martel: —and you've got to tape the wires to the floor so they'll stay in place. My God, it's a disgrace.

Mr. Breithaupt: You tape the carpets down.

Mr. Martel: Yes, when the carpet's tear, we tape them together. We don't replace them—we tape them.

Mr. Sargent: You should see John's office.

Mr. Martel: I've heard of austerity, but that's carrying it to the ridiculous.

Mr. Makarchuk: Ontario Housing is better than that.

Mr. Martel: My friend the member for Grey-Bruce makes the point. He makes the point.

Mr. Makarchuk: It's shoddy.

Mr. Martel: Mr. Speaker, if we were to go over to the cabinet ministers' offices in other areas—

Mr. Baetz: You never will, Elie.

Mr. Martel: I was over at the Minister of Housing's office and I sank right to my knees in the rugs. They were so deep they have to cut them. It grows, I suspect.

Mr. Makarchuk: That's okay, he sleeps on them.

Mr. Sweeney: Only three inches deep.

Hon. Mr. Rhodes: On a point of privilege, Mr. Speaker. That is absolutely not correct. He didn't sink to his knees in the carpet—he was on his knees, begging—

Mr. Deputy Speaker: I don't think the hon. member has a point of order.

Mr. Martel: The rugs are so good that I didn't tear my pants, anyway.

Mr. Makarchuk: He didn't admit the fact that he sleeps there overnight.

Mr. Davidson: If the minister asks him, maybe the Premier will buy him a lawn mower.

Mr. Martel: If one were to make comparisons in the facilities available for committees to meet there and one were to walk across the way to the Macdonald Block, they're vastly different.

Mr. Sargent: You should be ashamed of yourself.

Mr. Martel: Here's where we bring in the people of Ontario to come before committees and so on. It really isn't a joking matter when the microphones are falling, when you tape them to the floor—it's ridiculous. We can spend \$28 million on Ontario Place. How much for Gerhard Moog's mausoleum down there?

Mr. Sargent: Forty-three.

Mr. Martel: Forty-three million. And we can't renovate this building one jot.

Hon. Mr. Rhodes: Nationalize the building.

Mr. Martel: Or Minaki. We nationalized Minaki because it was going broke.

Mr. Makarchuk: They had to pay off a mortgage to the Americans.

Mr. Davidson: They've spent more on Minaki than they've spent on this place.

Mr. Deputy Speaker: Order. The member for Sudbury East has the floor.

Mr. Martel: We also suggested that the

Lieutenant Governor should move. The members are short of space and you've got 7,000 square feet of space in that corner. In this province we need to have proper quarters for a Lieutenant Governor—

Mrs. Campbell: A residence.

Mr. Martel: —a residence, and our friend from the Liberals got rid of Chorley Park. Now we have nothing. So we take up 7,000 square feet of valuable space over here, which could be used for legislative purposes, so that Her Honour can have a half-decent place to carry out her functions. But in fact that isn't adequate. We suggested that she should be moved out to a more suitable setting—close to the building—and make that space available to members.

Mr. Makarchuk: Sutton Place.

[9:00]

Mr. Martel: It might be committee rooms, it might be for a variety of uses, but we had to do it. Again, those people who are responsible for making the role of the back-bencher—I hate to repeat it, but they are just not here. That is the frustration for me.

Mr. Germa: John is here.

Mr. Martel: We also talked about television. What you see up there, Mr. Speaker, was recommended on a trial basis back two years ago—introduce TV into the Ontario Legislature. Well, look at it. The same junk, two years later. No decisions have been made, although it was recommended in report one and report three of Morrow that we should determine whether we are going to have permanent placement for those cameras. Are we going to have to suffer through the heat and those crazy lights every day? Nothing is done. Nothing is ever done.

Mr. Makarchuk: Lots of heat but no light.

Mr. Martel: It just goes on and on and on. We talked about the library; I can understand my friend from St. George being upset about the library. We had to do some unpleasant things when we brought in the report with respect to the library.

Those of us who worked on that select committee were not happy with some of the things we did to make that library into a legislative library. Three-quarters of the material back there belongs in a library like the John Robarts; it doesn't belong in a legislative library, which should be providing research material for members, documents, the latest legislation in other jurisdictions—with research staff to help you find the appropriate material.

Three-quarters of it is newspapers from England, a hundred years old, all kinds of

novels. What in God's name is it doing back there? No one ever uses it.

Mr. Elgie: History.

Mr. Martel: Well, put it in a historical library then. Don't leave it here.

Mr. Davidson: Put it in the archives.

An hon. member: It's antique.

Mr. Martel: Oh no, it's not. My friend is wrong. That isn't—well, maybe it is—maybe I am wrong—maybe it is a historical library, and we have no intention of bringing it into the twentieth century, making it a useful instrument for members of the Legislature and the cabinet. The cabinet is better served though, because each member has a library in their specific ministry, with research. Which brings me to the next point, research.

Mr. Hall: Colouring books, too.

Mr. Martel: I think that what goes on in Ontario for research for this side of the House, and for the back-benchers on that side of the House, is crazy.

Mr. Makarchuk: Peanuts.

Mr. Martel: It is just nuts. We have four researchers in the New Democratic caucus. I will bet you every cabinet minister has a research staff that is bigger than the combined research staff of the New Democratic and the Liberal parties in Ontario in 1977.

Mr. Sargent: How many, John?

Mr. Martel: The minister shakes his head. I would like the government to put together for me all the people—

Mr. Makarchuk: Let it be acknowledged, the only minister.

Mr. Martel: —doing research in all the ministries. If we want a Legislature that makes sense, we have to have informed members. If we are to get away from the petty jockeying, the cheap shots, and get down to doing what we are here to do, and that is to bring in responsible legislation and have responsible criticism of that legislation, or offering of better alternatives. We cannot do it if you don't have the research.

We have four researchers. By the formula, if you happen to be the third party by one seat, you get \$1,000 a year less per member for research staff. It means that over here we have \$34,000 less for research staff, because we have one fewer member. That makes sense, doesn't it?

Mr. Maeck: Did you complain last year when you had one more?

Mr. Martel: Last year, my friend, you sat on a select committee with me, and I was one of those who advocated one researcher for every member in this Legislature. I

waited for you. I knew you were going to say that. I waited.

Mr. Maeck: What did you say about the Liberals last year?

Mr. Martel: I advocated then as I advocate now, that every member of this Legislature needs a graduate university person capable of doing research, so that members are informed.

Mr. Rotenberg: You need someone to make up your mind for you, do you?

Mr. Martel: I don't need anybody to make up my mind for me.

Mr. Rotenberg: Why don't you do research on your own instead of speaking so much?

Mr. Makarchuk: You are a bunch of Neanderthals. You don't believe in research. It is fine over on that side of the House.

Mr. Makarchuk: The rehash crowd over there.

Mr. Sargent: This isn't city hall, Toronto; you've got to work here.

Mr. Rotenberg: Not when I was there they didn't.

Mr. Martel: That's right, they didn't have any researcher, you are right. That's obvious. They kept coming to the province to bail them but every time they were in trouble. We in northern Ontario could have used just a little bit of the money that's squandered in Toronto.

Mr. Rotenberg: You are right. But that is in the last five years since I left.

Mr. Martel: And it was you guys who blew it. You were there with them.

Mr. Makarchuk: Remember the ditch?

Mr. Martel: I remember you.

Mr. Makarchuk: How much did it cost you?

Mr. Martel: For the province, \$50 million.

Mr. Deputy Speaker: Order, the member for Sudbury East has the floor.

Mr. Martel: You are right, Mr. Speaker, I appreciate your bringing me back to the point. I suggest that if we are going to make any type of meaningful inroads into making this a Legislature where we work from all being informed, it's by making the improvements that we are speaking about—research staff, an improved library, and as in the last report, maybe the critics travelling with the minister so that they see what he sees, so you don't argue about useless junk but you get to the meat of it. It is too important and too complicated, and critics should be travel-

ling with ministers—as silent observers, not as spokesmen—so that all are informed.

I think when we do that we will have a much more meaningful Legislature for all of us, be it the government and its back-benchers, or be it the opposition and the third party and its back-benchers. The roles will change significantly and we will stop being social workers in this province and maybe we will begin to be legislators.

I think that initially most of us thought we were coming here to do that. But most of us have found out over the years we have been relegated to the position of social workers—but not professionals because we are not graduates.

Mr. Baetz: There's nothing wrong with social workers.

Mr. Martel: Sorry, Reuben, I forgot you were here. I didn't want to offend you, Reuben.

But that is what the role is around here, and I think it must change. It must go back to being legislators, where we try through, not individual effort on behalf of certain constituents but through improved legislation—

Mr. Baetz: Wisdom, Elie, wisdom.

Mr. Martel: —to clear up the problem so that we help large masses of people—

Mr. Baetz: We need statesmen, Elie, statesmen.

Mr. Martel: —by new legislation or improved legislation rather than us continuing to be in the role of social workers.

I hope now that we have three cabinet ministers—glad to see you, Harry—they will take the message back to their cabinet colleagues and say, "Let's tell the Legislature what we are prepared to do in the next couple of days with respect to the implementation of Morrow five so that we can make this a more meaningful place." I leave that as a challenge to my three friends who have now joined us.

Mr. Makarchuk: Who have deigned to join us.

Hon. Mr. Rhodes: Why are your leadership contenders not here to tell us what they would do?

Mr. Martel: They are leaving.

Mr. Maeck: Mr. Speaker, I will try to control myself. First of all, let me say that my signature appears on the report as do those of other members of this Legislature—

Hon. Mr. Rhodes: That makes it valid.

Mr. Maeck: —and I agree with what is contained in the report. But I disagree very

much with the approach the members of the opposition are taking in trying to convince the government to adopt the report.

Mr. Wildman: You initiated it.

Mr. Maeck: I certainly did and I agree with what is in the report. But I don't agree with the threats that we receive from members of the opposition in trying to induce the government to adopt it. I think we could do a lot better job—

Mr. Mackenzie: Maybe we shouldn't adopt some of the laws the government wants.

Mr. Maeck: —if we were to point out the position of the report and ask the government to move on this matter. All we have done up to this point is antagonize everyone, including me who was a member of the committee. I just don't understand what both opposition parties are driving at. As far as I am concerned it doesn't make sense.

Mr. Hall: Why don't you induce the government?

Mr. Grande: Just implement it, that is all.

Mr. Maeck: The member for St. George talked about the parliamentary library.

Mr. Mackenzie: I'll trade offices with you, Lorne, or any other Tory.

Mr. Maeck: I don't disagree with that. I signed that report. I agree there should be a new parliamentary library and I agree we should be updating our library. That motion that was presented to this House has come before the Board of Internal Economy on two occasions. We are looking at that.

I believe this will be instituted eventually, but there are certain things that have to be done. I have some reservations about hiring a librarian until the government has adopted the position that it is going to continue on and upgrade the whole library system. There's no point in hiring a librarian of the calibre we're talking about unless we are prepared to go the rest of the route and do the things that are necessary to upgrade our library.

Mr. B. Newman: That is that chicken and egg story.

Mr. Samis: That's a circular argument.

Mr. Maeck: This requires some time. The government has not said it is not going to hire a librarian. Mr. Speaker has not said that.

Mr. Haggerty: He has not said anything.

Mr. Maeck: The Board of Internal Economy has not said that. Let's move in a proper manner and make sure that when we do hire a new librarian, they will have terms

of reference so that they know what they're going to be asked to do when they're hired.

Mr. Mackenzie: Oh, remember your rights.

Mr. Maeck: There's really no conflict in that at all. As I say, I agree we should be updating the library. I don't argue with that point at all.

We talked about the Minister of Government Services and space allocation and I believe the new Minister of Government Services (Mr. McCague) has been making an honest effort to find space allocation for the members. He has also included in his itinerary—the things he is looking at—the committee rooms. I agree with members of the opposite party that it's very important to have proper committee rooms; if we don't have them this Legislature is not going to operate in a proper manner.

The Minister of Government Services has already made the commitment that he's going to look into this, that he is going to come back by February 10 with either a report or a decision. I don't know which it is at this point in time, but one or the other—

Mr. Davidson: What's the purpose of that committee then?

Mr. Maeck: —so that the members will have proper space, that we will have proper committee rooms. So I don't see that as an urgent issue. I believe it has to be done. I believe certain things have to be done. The minister has to investigate it properly and come up with a proper solution to the problem. I think that's being done.

Mr. B. Newman: What do we do if you change ministers?

Mr. Maeck: If we change ministers, I would be very hopeful that the new minister would carry on with the program that's been started by the previous minister.

Mr. Sweeney: You've got more faith than we have.

Mr. Maeck: Well, okay, what if we change Speakers?

Mr. B. Newman: But you see, we've done this in the past.

Mr. Maeck: It's the same thing. I'm not against the Speaker eventually taking over this building and looking after the allocation of space and all the other things that go along with the management of this building. But I believe that right now if we were to ask the Speaker to take over this building, a lot of conversations would have to be carried on between the Speaker and the Minister of Government Services and it would delay the whole process.

Mrs. Campbell: What about my suggestion about a committee?

Mr. Maeck: I don't see the necessity for that.

Mrs. Campbell: How do you plan?

Mr. Maeck: After all, we do have a Minister of Government Services who I think is quite capable, with his staff, of planning this. We have submitted a report indicating what we feel should be done as far as space allocation is concerned. I'm sure the minister will take that report into consideration. We've gone to the point where we've even indicated the amount of space that's available, where it's available, what we suggest should be used. I'm sure the minister will—

Mr. Davidson: He told us he couldn't do anything about that. He didn't have any say.

Mr. Maeck: I don't know what the minister told you, but I'm sure that the Minister of Government Services—

Mr. Davidson: You'd better listen to the tape.

Mr. Deputy Speaker: Order, please.

Mr. Maeck: —has the right to make those decisions at this particular time.

Mrs. Campbell: He can't make those decisions, so he said.

Mr. Deputy Speaker: Order, please. Would the member for Parry Sound not pay attention to the interjections?

Mr. Maeck: That's a good idea, Mr. Speaker. I'll try not to do that.

Mr. Davidson: Just listen to the tape.

Mr. Maeck: I am not too interested in what happened on the tape. I'm only telling the members that the Minister of Government Services does have the right to make those decisions at this particular time.

[9:15]

Mr. Davidson: I'm glad you said that. I'm glad I got what you said. You are not interested in what he said on the tape.

Mr. Maeck: The member for St. George talked about the space allocation and what happened after the election was concerned and the arguments that ensued between the NDP and the Liberal Party about space allocation. I only say to the member for St. George, we are all adults in this House. When the 1977 election was over, the Conservatives came in with six more members. The NDP and the Liberals came in with six fewer and, surely, they have the ability to sit down between themselves and decide on how they're going to allocate space. Why do they need more space, when they were the losers in the last election?

Mr. Wildman: You were the losers.

Mr. Maeck: The Conservatives didn't ask for more space for their six extra members.

Mr. Davidson: You allocate space by power.

Mr. Maeck: I just don't understand why the Liberal and the NDP parties could not get together and decide how the space was going to be allocated.

Mr. Makarchuk: It's not "the NDP party." It's "NDP."

Mrs. Campbell: Let's do it now.

Mr. Maeck: Why don't you?

Mr. Wildman: Because you're the government.

Mr. Maeck: But the fact is, the members should get together and decide how the space is going to be allocated. The responsibility should not have been placed before the Speaker or anyone else.

Mr. Wildman: Why didn't you give the Speaker control in this Legislature?

Mr. Maeck: The members opposite know how many offices they have, how much space they have. They know how many members they have and they also know they have six fewer members between them than they had before the last election.

Mr. Davidson: We also know how much space you have.

Mr. Maeck: Surely the parties have the space. It's just a matter of getting together and deciding how they use it.

Mrs. Campbell: That's the way you run the Legislature.

Mr. Maeck: There was no allocation of additional space to us after the last election.

Mr. Davidson: You didn't need it. You already had too much.

Mr. Maeck: That is not so.

Mr. Samis: Compare the size of our office with yours.

Mr. Wildman: You have to get into ours with a shoehorn.

Mr. Maeck: We talked about the private members' bills and the fact the government is voting as a party as far as private members' hours are concerned. We talked about the fact that the government vetoed some of the private members' bills. I would suggest to the members of the opposition that if they brought in bills that were, in effect, actual private members' bills, they wouldn't be faced with this situation.

Mr. Davidson: Don't be so foolish.

Mr. Maeck: They know as well as I do that when they bring in the type of bills which

they bring in, in most cases, they're either going to be vetoed or voted against. They know that before they bring them in. They also know that they bring them in only to try to embarrass the government. That's the only reason they bring them in.

Interjections.

Mr. Deputy Speaker: Order. Order.

Mr. Maeck: If they would bring in private members' bills that are truly private members' bills, they would not be faced with a veto or with the government voting against them.

Interjections.

Mr. Maeck: We don't care what the members bring in, but let them not complain to us when we decide to vote against them. That's part of the parliamentary procedure around here, and it's time the members opposite realized it.

Mr. Deputy Speaker: Order. I'd just like to remind the members and, particularly, some of the members who are not in their own seats that it's the tradition of this House that they must speak only from their own seat. The member for Parry Sound.

Mr. Maeck: And I can't go by without referring to the two quorum calls that were called tonight, particularly the last one when the NDP saw fit to leave one member in his seat and leave the rest outside.

Mr. Davidson: Two.

Mr. Maeck: One.

Mr. Davidson: Two, the Speaker and I.

Mr. Maeck: He is not one of your members.

Mr. Davidson: The member for Sudbury East and myself.

Mr. Maeck: You were not here.

Mr. Makarchuk: I told him to be here. He was here.

Mr. Maeck: I specifically looked over. The only member who was there was the member for Sudbury East.

Mr. Deputy Speaker: Order, please. Would the member for Parry Sound direct his remarks through the Chair?

Mr. Maeck: Yes, Mr. Speaker. What I want to draw to your attention was that there was a quorum call tonight, the second quorum call, in which the NDP had one member in his seat and eight who came in after the the four-minute bell had been stopped in order to try and embarrass the other members, the Liberal Party and the Conservative Party.

Mr. Davidson: Two members.

Mr. Maeck: I want that to show on the record.

Mr. Davidson: We were out looking for cabinet ministers.

Mr. Sweeney: Why was it necessary?

Mr. Davidson: A Liberal member moved the quorum call, not the NDP.

Mr. Maeck: I am sick and tired of listening to those people over there complaining about what the government does.

Mr. Sargent: Point of order, Mr. Speaker.

Mr. Maeck: You haven't got a point of order either. There's nothing out of order.

Mr. Deputy Speaker: What's your point of order?

Mr. Sargent: The member for Parry Sound, Mr. Speaker, is misleading the House for the fact is we did not have a cabinet minister in the House. The motivation was a good one because we want to talk to cabinet ministers and there was none in the House. It was a good move on the part of the NDP. We don't object to that.

Mr. Deputy Speaker: The member for Parry Sound.

Mr. Maeck: Mr. Speaker, before I proceed—

Hon. Mr. Rhodes: Mr. Speaker, on the point of order, the hon. member for Grey-Bruce, as usual, is away off somewhere on cloud nine. I was in the House when the quorum call was made.

Mr. Sargent: No, you weren't, John.

An hon. member: He wasn't.

Hon. Mr. Rhodes: Yes, I was right here.

Mr. Deputy Speaker: Order, please. I think we are all offbeat a bit. I don't really consider this a point of order. The member for Parry Sound.

Mr. Maeck: Mr. Speaker, before I proceed, I still want to speak to the point of order.

Mr. Deputy Speaker: Order.

Mr. Davidson: On a point of privilege.

Mr. Deputy Speaker: The member for Cambridge, a point of privilege.

Mr. Davidson: Mr. Speaker, in the member for Parry Sound's speech, he commented at the time of the quorum call there was only one member sitting here on behalf of the New Democratic party. I would like the record corrected to show the member for Sudbury East and the member for Cambridge were in their seats at the time of the quorum call. I can't help but put it in the context that if the member for Parry Sound cannot take the time to look around and find out

what's going on, then perhaps he shouldn't make statements to the effect that there was only one member in his chair at the time.

Mr. Deputy Speaker: The member for Parry Sound.

Mr. Maeck: Mr. Speaker, I don't know now whether I am speaking to the point of order or the point of privilege—

Mr. Makarchuk: I would shut up if I were you.

Mr. Maeck: —but I want to speak to the point of order first.

Mr. Sweeney: This is a farce, Mr. Speaker.

Mr. Deputy Speaker: Yes, I will recognize the member for Parry Sound to continue his remarks.

Mr. Maeck: Mr. Speaker, before I continue, I have been accused of misleading the House by the member for Huron.

Mr. Gaunt: On a point of order, I ask the member to withdraw that.

An hon. member: You are out of order.

Mr. Maeck: As you know, Mr. Speaker, that is unparliamentary. Nobody in this House can be accused of misleading the House and I ask the member to withdraw it.

Mr. Deputy Speaker: The member for Grey-Bruce has withdrawn it.

Mr. Maeck: He has. Fair enough. And as far as the point of privilege is concerned—

Mr. Makarchuk: Point of order. Speaking to the point of order raised by the member for Parry Sound, I think the record should be set straight. The reason a quorum call was raised in this House was the fact we were dealing with matters relating to this Legislature, how it operates, what the members' privileges are, the whole problems of the province of Ontario. At that time, there was not one single cabinet minister listening to what was going on, and consequently that is why that quorum call was called.

An hon. member: You were not here.

Mrs. Campbell: Mr. Speaker, on a point of order, Mr. Speaker, if I may. This debate was called to deal with the matter of members' privileges and I for one am appalled that we are going off on all these points. Why can't we get back to the debate and carry on with it?

Mr. Lane: You started it.

Mr. Maeck: Mr. Speaker, I would very much like to get back to the debate. Surprisingly enough, members have risen on a point of order because there were no ministers here. I must tell you it puts me in a

relatively bad position as government whip that there were no ministers in this Legislature. I am embarrassed by that.

Hon. Mr. Kerr: Lorne, don't make an issue of it.

Mr. Maeck: I am making an issue of it because it's time the ministers were in this House when an important matter is being debated.

Mr. Makarchuk: Why not? You let him carry the bloody load. You just get off your backside and get down here where the business is conducted and tell some of your friends.

Mr. Maeck: I agree with the member for Sudbury East (Mr. Martel) and the member for St. George (Mrs. Campbell) that there should be someone in this House with authority listening to this very report.

I try to be honest when I speak. I am not trying to denigrate the members of the opposition. I believe if we are going to have a meaningful debate, I want ministers to know what is going on and what is contained in the report that we are debating tonight.

While I am the chief government whip, I still condemn the ministers for not being here—at least some of them.

Mr. Germa: Let's call a quorum.

Mr. Maeck: Actually, I am disappointed in the cabinet's response to this debate, I really am.

An hon. member: What are we debating?

Mr. Maeck: That's just exactly the point.

Mr. Wildman: Get the Minister of Northern Affairs (Mr. Bernier) in here.

Mr. Maeck: I would like to talk about one further point, and that is the committee rooms. I believe the committee rooms the members now have in this Legislature—and I agree with the member for Sudbury East—are a disgrace. They do not have the facilities that are necessary to carry on a proper function here in the Legislature. That is why I signed the report that we are debating tonight.

In essence, to sum up, I have not changed my mind. I'm not in disagreement with the report as it has been submitted to the House. I do take exception to one point that the member for Sudbury East made.

Mr. Baetz: Who isn't here.

Mr. Maeck: No, he isn't here. But he did say it was a report that was unanimous. And there was one little item in there—it wasn't a major item—which I did disagree with, and it is so recorded. But it's not a major thing.

With that I think I will conclude my remarks. I hope that before the debate is over we will have more cabinet ministers in to hear what is going on.

Mr. Gaunt: I certainly consider this to be a very important debate. As the member for St. George indicated there certainly have been some major problems with the implementation of this report, yet the subject of members' privileges is an important matter and it should be so considered by the front bench on the other side. I think the importance of this debate and its significance in terms of government response is certainly disappointing. When we started off and continued almost until 25 minutes to 9 there wasn't a cabinet minister in here to listen to this debate. For that, I am truly sorry and I think the government whip has expressed the disappointment very adequately.

I don't want to take long because there are others who want to speak, other colleagues of mine who wish to participate in this debate. Since we only have approximately an hour left, I will just take a few moments.

I did want to touch on one matter which I felt other members perhaps wouldn't mention. It is the recommendation having to do with the citizens inquiry branch. As members will know, the report recommended that the citizens inquiry branch within the Ministry of Culture and Recreation should be cut off. Its function was no longer necessary according to the members of the committee, of which I was one.

[9:30]

In that recommendation, I think it was indicated that, basically, the circumstances have changed considerably since the branch was established. It was established in 1972 under the Ministry of Government Services and then it was moved to the Ministry of Culture and Recreation on April 1, 1975. During that five-year period, the circumstances have changed. The function of the branch has changed, I suggest. That change in circumstance and function is reflected in the recommendation in the report to cease the operation of the citizens inquiry branch.

Initially the branch was set up for a logical and legitimate purpose. It certainly performed that purpose very well in the early days. But since the creation of the Ombudsman's office and the establishment of constituency offices to assist members, those two things have substantially altered the subject and direction of public inquiries.

I was interested in what the Ministry of Culture and Recreation had to say in its annual report of 1976-77 with respect to the

citizens inquiry branch. Essentially they're saying that the citizens inquiry branch is a referral service for information regarding all Ontario government ministries and agencies. It acts as an information clearing house for all sorts of people, private organizations, civil servants, individuals and co-ordinates that information and service to other groups unable to do so for themselves.

Perhaps the most important function of the citizens inquiry branch has been the publishing of the KWIC index to the government of Ontario. The branch issues a brochure entitled *Your Ontario Government*, and I found that most helpful. It's well done and it's certainly most helpful in listing the programs, addresses and telephone numbers of all the government ministries.

The annual report mentioned that the branch processed approximately 1,380 inquiries per month, many of which were referred by government offices through Ontario. The information desk, which we all see when we go through the various government buildings, directed more than 190,000 people to government offices or personnel. That function could be performed by Government Services. Government Services would certainly be the most appropriate ministry, or it could be performed, I suppose, by the information service of Culture and Recreation—or more appropriately, certainly in this building, at any rate, it could be performed under the jurisdiction of the Speaker's office. So the fact that the citizens inquiry branch carries on that function certainly isn't a reason for its existence, by any stretch of the imagination.

Then I noticed that the Wintario grants information office has become part of the citizens inquiry branch. That just underlines and underscores what I've really always believed about this government—the fact that once something is created it's never cut off. It never ceases to operate.

Parkinson's law comes into play and if the government senses that a particular branch of government or a particular function in government is really receding in importance, they simply draw other functions to its aid and hope that it continues in perpetuity. I sense that is what is going on with the citizen's inquiry branch. Somebody has said: "Look, this branch is falling in importance and we are going to have to cease its operation unless we can do something to beef it up." Beef it up they did. And this is what has happened.

There is no reason in my view why the Wintario grants information office should

be part of the citizens inquiry branch. Surely that function could be handled from the Minister of Culture and Recreation's own information office, rather than funnelling it through the citizens inquiry branch.

The government certainly should take a look at that because the expenditure for the 1977-78 fiscal year is some \$13,704,200. Now, not all of that is citizens inquiry branch work. There are these other functions that have come in and, of course, reflect themselves in this particular vote.

I am guessing, because I tried my best to get information as to how I could separate the functions. You simply cannot do it because these other functions are lumped in. There is not even an item shown in the estimates this year of the Ministry of Culture and Recreation as "citizens inquiry branch", it is lumped under "community information." I suggest that certainly that is one area where the government could save some money. I think they could perhaps perform a function that my leader suggested should be performed in government from time to time in putting forward his "sunset" motion.

When these things are created they just go on and on and grow like Topsy. Ultimately, we are dealing with an animal which bears absolutely no resemblance to the initial creation, either in function or in expenditure.

I'll switch very briefly to a couple of points I wanted to mention. These have been alluded to during other debates at other times. I think the member for Ottawa Centre (Mr. Cassidy) has talked about this a number of times.

I want to support the member in what he said with respect to the government of Ontario making an approach to the federal government with respect to members being able to contribute to the Canada Pension Plan. I think it is important in the sense that many members actually contribute legislatively, and as a service to the public of Ontario, during their best years. That being the case, it seems to me that it is unfair, and unjust, not to allow those members who perform in this place year after year to contribute to the Canada Pension Plan. Because of course, if they do not contribute they cannot draw when they become 65. They cannot draw if they should become disabled prior to age 65, because under the terms of that legislation one has to contribute for at least three years before one qualifies.

I cite an example in my own party—the member for Renfrew North (Mr. Conway), who is a very young gentleman and who essentially got elected right out of university. If he should be fortunate enough, and I

think he will be, to be around these hallowed halls for 30 years—

Mr. B. Newman: Right, as long as he wants.

Mr. Samis: Thirty? That's not fair.

Mr. Gaunt: —he won't have had any opportunity, given the present circumstances, to contribute to Canada Pension. If he should happen to fall victim to a disability at the end of that 30-year period he wouldn't qualify for any benefit under Canada Pension at all and I think that is unfair.

The same case can be made for members who come out of business and who have contributed either as an employer or as an employee and come in here. They serve their province and in so doing their CPP contributions are interrupted for the period they spend in their legislative capacity. It seems to me that it is not proper. It is not right. Surely, that's a problem that could be resolved through some negotiation with the federal authorities. Other provinces do it, and I believe at the moment Ontario is the only province where members of the Legislature are not permitted to contribute to the Canada Pension Plan while members. I think that change should be made.

The other matter, the matter of severance benefits, is perhaps not important to some members but I think there should be some uniformity with respect to that matter. Severance benefits apply to people who are defeated or whose ridings are redistributed out of existence, but members who do not seek re-election are not given that severance benefit. It seems to me that severance benefits should apply equally to all members whether the member chooses not to seek re-election, whether the member is defeated or whether the member's riding is redistributed out of existence.

Mr. B. Newman: Severance is severance.

Mr. Gaunt: The severance amount may vary. I think at the present time the member who is defeated qualifies for six months' severance pay, but if it applied to all members perhaps the government would wish to reduce that period to say three months. Frankly, I think it should be left at six, but it should apply equally right across the board. I don't think there should be any distinction there at all.

I have taken my 15 minutes, Mr. Speaker. I make the plea to the government and to the front bench across the way that we spent a lot of time on this report; we agonized and did a lot of debating and there was a lot of discussion over certain aspects of the report. We felt basically we came up

with a good report. It was a report we felt would enhance the role of the member legislatively. It would enhance his ability to perform his function effectively and more efficiently in the scheme of things. We hope that the government will give it some serious consideration and hopefully implement all or most of the recommendations it contains.

Mr. Bounsall: Mr. Speaker, my concerns about the situation we find ourselves in in the Legislature date right back to the time shortly after I came into this House in 1971, when we had the recommendations on how government should be reorganized. It was pointed out that the government had completely forgotten the role of the back-bench member and the non-cabinet member in their consideration of the role members should be playing. As an afterthought—they'd completely forgotten about us—they appointed the Camp commission, the Ontario Commission on the Legislature, in order to have a look at an area which they had completely neglected and which I suspect was never very much at the front of their minds. That Camp commission presented and made five reports to this Legislature with very little action taken on any of the recommendations.

[9:45]

When this is pointed out to the government and pounded home, and opposition members, particularly, and some of the back-benchers on the government side speak about it, what happens? The typical response of this government is, "Let's delay it further by forming a select committee of the Legislature." So an all-party select committee gets formed, affectionately now called the Morrow committee. The last one—the third report of the Morrow committee—is the one we are discussing here tonight. It reported. It did a fine job. It agrees on many points with the Camp commission. The points are inherently obvious. These reports now come before us; yet nothing is done.

As a back-bencher, it strikes me very much that this afterthought appointment of the Camp commission by the government back in 1972 truly reflected the government's opinion of the back-bencher in this House; they didn't really seriously intend to make many of the changes brought in by the Camp commission or whoever recommends it, or the changes proposed by any select committee of this House. It's that attitude which really perturbs me, an attitude which we saw here tonight when we went for the first half-hour without a cabinet

minister here and then after the next hour had gone by with only a couple more to hear—the legitimate concerns of the members of this House, concerns which they, as an all-party committee, have seen and recommended on, a committee which was preceded by an all-party representative group outside the Legislature—the Camp commission.

The government is really stonewalling and stalling to prevent change, twisting and turning in whatever way it can, through the formation of committees to further delay coming to grips with the problems which are obvious to everyone. Both the Camp commission and the Morrow committee agreed very strongly on one thing, and that is that the Legislature—the legislative building in its entirety—should be under the complete jurisdiction of the Speaker. This is what occurs in most other parliamentary Legislatures of the Commonwealth, and we in Ontario are grossly behind the times in not having this fully in place now. It is a recommendation which, when accepted and implemented, would drastically change the role and condition of the non-cabinet minister in this House, from whatever party he might come.

Mr. Foulds: Non-cabinet minister?

Mr. Bounsall: Non-cabinet ministers, yes.

The Morrow committee talked about the need for upgrading this building. It quoted in its report what the Camp commission said about this building, and that report was pretty damning. I just want to quote some small sections of the Camp commission as re-reported by the Morrow committee. "This building is old-fashioned, shabby, confusing—

Hon. Mr. Kerr: Drafty.

Mr. Bounsall: —depressing, dolorous; maintenance has been piecemeal." Mr. Speaker, the only major change—

Mr. Laughren: I thought you were describing the Minister of Housing (Mr. Rhodes).

Mr. Bounsall: —made in this building since the 1971 exterior cleaning was the provision of the dining room space and post office space in the lower hall—in the basement of this building; and the installation of a carpet earlier this year. That's all that has been done inside this building for I don't know how long.

Mr. Foulds: The ramp.

Mr. Bounsall: If you call the installation of the elevator for those who are in wheel-chairs—and they are required to ring a bell in order to get somebody over there in order

to use it—a refurbishing and a step forward. That is hardly a major change; and it certainly is not a change that one would call anything but confusing, for which the Legislature and its building were severely criticized by both the commission and the committee.

All you have to do is walk around this building, walk over to the north wing and walk up and down the stairs that twist around the elevator shaft. They talked about the exposed wiring around this place, the cracked ceilings, the walls, the peeling paint and the poor lighting. I noticed as I came in here tonight to partake in this debate that yet another large patch of wall material had fallen off between the second and the third floors of the north wing near the elevator shaft. I thought that one of my colleagues was going to admit that he had done the pulling.

Mr. Laughren: That was me on the floor not the paint.

Hon. Mr. Rhodes: How high up was it?

Mr. Bounsall: But we've got used to the state of disrepair of this building. You bring guests in and walk them from the front to your office and you have to go by that peeling, cracked hallway, which is a disgrace. That's just one of the examples.

Mr. Samis: After 34 years.

Mr. Bounsall: They go on to talk about the furnishings. The furnishings, they say, are "dreary, worn and ill-suited to any legislator's needs." The displays in the lobby and hallways are unimaginative and out of date. The only change that I've observed in those hallway or lobby displays is the Ontario Outstanding Athletic Achievement Award, that lump of granite which now adorns the entranceway of the hallway between here and the legislative library.

Mr. Makarchuk: That's what they call the Tory phallic symbol.

Mr. Bounsall: That certainly speaks and reinforces the unimaginative displays that are shown in our lobby and hallways here, and the report abounds with suggestions as to how to create more meaningful displays and dreary furnishings and displays in this building.

Hon. Mr. Kerr: Have you got something against the Fathers of Confederation?

Mr. Bounsall: I certainly don't think that the government's response to refurbishing and brightening up our hallways is to take down the pictures of the Fathers of Confederation out there and give them a cleaning and hang them back up.

Hon. Mr. Welch: Why not?

Mr. Bounsall: It isn't going to brighten up this place, I can tell you.

Mr. Foulds: Why have you taken Oliver Mowatt down?

Hon. Mr. Welch: Just to get him cleaned up a bit.

Mr. Bounsall: He needed a lot of cleaning up.

Mr. Worton: Clean up your act.

Mr. Laughren: Take the Minister of Housing out too.

Hon. Mr. Welch: John Rhodes insisted.

Mr. Bounsall: Among the other key recommendations which I will touch upon that flow from this final report of the Morrow committee, is the recommendation that each member—

Hon. Mr. Welch: Why isn't the member for St. George in the House?

Mr. Makarchuk: She is having her coffee.
Interjections.

Mr. Acting Speaker: Order, please. Can we have just the member for Windsor-Sandwich please?

Mr. Foulds: Call the government House leader to order.

Mr. Bounsall: The Morrow committee made a thorough investigation of the space available in this building and were able to determine that each member should have 500 square feet, all of which would fit quite competently and well within the space in this building. They did that having determined that for many members of the Legislature the amount of space which they have is in the vicinity of around 200 square feet. The government, for that portion of the building over which the Government Services still have control, may put that recommendation into effect, but I feel that the only way that's going to be really equitably given out, so there is no arguments at any given time and that 500 square feet criterion is achieved, is to put this building under the control of the Speaker. When that's achieved, that's when we'll get the implementation of the 500 square feet.

There shouldn't be the anomalous situation in this building of having the Speaker in charge of one portion of it, Government Services in charge of another portion of it, and the Premier in charge of yet a third portion. That's an utterly ridiculous situation to pertain in the legislative building of the province, of which we all should be able to be proud. Unfortunately the current situa-

tion around here makes us despair of this building rather than be proud of it.

The report goes on and talks, having made the inventory of space in this building, about the quite realistic increase in space that should be provided for use of the three caucuses and their support staff; the number of meeting rooms that should be made available, and their size; and the space that should be available for the use of ministers and their parliamentary assistants. All of this fits quite comfortably into the square footage of space we have in this building.

The other area which I would like to touch upon is the legislative library and the area of research. The Morrow committee, after thorough investigation, were able to indicate that there should be a research-oriented group in the main library and recommended the immediate appointment of a new director of library research and information.

The committee on members' services have recommended this. I suggest the response of the member for Parry Sound (Mr. Maeck) had it a little backwards when he said we want to have fixed clearly in our minds the entire library group complement and where they might go before we hire a director. What you need to do first is hire that director so you have the advice of that person in determining what kind and size of complement is needed for the job it is intended to have the group do. I suggest that it's backwards to have the group all thought out before you hire the director.

Hon. Mr. Welch: Order, point of order.

Mr. Maeck: I think the member has misread what I said. What I said in the debate was simply that—

Hon. Mr. Welch: I remember it clearly.

Mr. Maeck: —there is not much point in hiring a librarian until the government has made a commitment to continue with the program of rebuilding the library. I really didn't say what the member is saying now.

Hon. Mr. Welch: Misrepresentation.

Mr. Speaker: That's merely an interjection to correct the record. It's not a point of order.

Hon. Mr. Welch: Yes, but the member should resign.

Mr. Bounsall: It's been nice to have the House leader of the government here for the last 10 minutes—or maybe 15, was it?

Hon. Mr. Welch: I have been here in spirit.

Mr. Bounsall: You were here in spirit, yes; for the first half hour of this debate that's all the rest of your colleagues were here in as

well, and for the last hour all but three of them were only here in spirit.

The recommendation that each member be provided with a research assistant is absolutely key. In reading that recommendation, it strikes me that all the opposition members need that research assistant and that certainly all the government back-benchers need that research assistant.

I am not convinced in my own mind that the parliamentary assistants need that research assistant, but if that's what the Morrow committee has determined is required, then I certainly have nothing against that. Obviously for their own personal use, cabinet ministers with the research staff of their entire ministry at their beck and call, do not need that, but if the parliamentary assistants need research assistants as well, I certainly would not be against seeing that is provided for them as well as every other back-bencher in this House.

Mr. Laughren: Some of them over there need a lot of help.

Mr. Bounsall: The government needs to get moving on the recommendations of both of these reports—the one from the Camp commission and the other from the Morrow committee. The government to this point, in only a very few areas, has shown itself inclined to move at all. Since early 1972 you have only paid lip service to the provision—

Hon. Mr. Welch: That is excessive, that is an excessive statement.

Mr. Bounsall: Well you have not acted upon the majority of the Camp commission recommendations, the majority have not been acted upon.

[10:00]

Hon. Mr. Welch: What does 57 say?

Mr. Bounsall: What No. 57 are you referring to?

Mr. Foulds: Call the government House Leader to order.

Mr. Bounsall: The government has moved very slowly, and the minister won't convince me at this point. I think he's wrong if he is trying to say otherwise—that the government has moved on a majority of the Camp commission recommendations.

I have taken my 15 minutes, I think, Mr. Speaker, which was the agreed upon amount of time for me. I simply would like to point out, without going into any detail at all, on two of the recommendations of the Morrow committee—that the recommendations of the Hickling-Johnson report on members' remuneration should be implemented immediately and that the pension plan and severance

benefits also be reviewed—I think both of those should be followed up.

I just might add a personal note, that if—if—the next salary increase goes through—which we hear has been in the wind and has been recommended by, I guess, the Morrow committee—when and if it finally comes I will have reached the salary position that I had before entering the House in December 1971.

Hon. Mr. Rhodes: I first of all want to say that—

Mr. Davidson: I'd like to have a point of order or a point of privilege.

Mr. Speaker: There's nothing out of order.

Mr. Davidson: I'd like to make a point of privilege, if I may, Mr. Speaker.

Mr. Speaker: What is your point of privilege?

Mr. Davidson: My point of privilege, Mr. Speaker, is this. I have sat here and listened—

Mr. Elgie: No, you haven't.

Mr. Davidson: Yes, far more than some of those members over there.

I've sat here and listened to this debate. I am a member of the members' services committee that was appointed by this House to try to do something about the services that exist within the Legislative Assembly in the province of Ontario, and particularly this building.

Hon. Mr. Welch: What is your point of privilege?

Mr. Davidson: The minister is getting my point of privilege. My point of privilege is this.

Mr. Makarchuk: Get back to your seat if you are going to make comments, Mr. House Leader.

Mr. Davidson: Having listened to some of the debate, particularly from people over on that side, who have as recently as the last speaker suggested, not only directly through his speech but through comments from his colleagues, that the Camp commission and the Morrow committee reports have been implemented, particularly to a greater degree than myself and others seem to feel, my point is this—

Mr. Samis: Point of information.

Mr. Davidson: One of the things that we, as members of this Legislature and in this building in particular, should be concerned about is the preservation and the maintenance of this building. Now as a member of the members' services committee I know that is one of the things we have tried to raise. It is one of the things we have tried to bring forward. And we cannot as a committee exist,

because we don't know exactly what privileges we have as a committee—the privileges under which we were constituted. We cannot do anything. But my point is this, Mr. Speaker—

Mr. Speaker: I have yet to hear a point of privilege.

Mr. Davidson: You are going to get it right now.

Hon. Mr. Welch: The hon. member for Sault Ste. Marie (Mr. Rhodes) wants to speak.

Mr. Davidson: I am sending to you now a handful of paint that has peeled off the walls, that can be picked off the floor in many locations in this building. The preservation of this building is one of the considerations of the members' services committee and I suggest to you that the government is not preserving this building in the manner it should.

Mr. Makarchuk: You are abusing public property.

Mr. Speaker: The hon. member for Sault Ste. Marie has the floor.

Mr. Makarchuk: And not the government offices either.

Mr. Samis: No respect for public property.

Hon. Mr. Rhodes: First of all I want to say that I am one of those who was not in my place in the House until 25 minutes before 9 o'clock, if that's of any great satisfaction to those who have spent a considerable amount of time tonight looking around the room and making a great point of who was present and who wasn't present for this particular debate.

I am not going to get into that. I don't think the fact that there are those who are present and those who are not adds anything to this evening's discussion. If each of us had to answer to our constituents for the amount of time we individually spend in our places in this House, and if our performance for our constituents were judged only on that, all of us would be in deep, deep trouble.

A great amount of the effort put forth by individual members is not necessarily in this Legislature. So I don't think there is anything to be gained by the sort of comment that has gone on for considerable time.

Mr. Speaker, it was suggested here tonight that the content of the Morrow report, in particular that portion relating to this building and the privileges and facilities of the members, suggested that members of cabinet simply have not paid any attention. I simply want to say to you hon. members that that is not true. I certainly have made myself aware of this report. I say without any hesi-

tation that the contents of this report have been produced as the result of a lot of committee work, and the recommendations are very worthwhile.

Not all have been implemented; the majority of them haven't. There's no question about that. That is not to say that those matters cannot and should not be implemented; I think they can and should be implemented. There are some excellent recommendations.

It was suggested by the hon. member for Sudbury East (Mr. Martel) that once a person becomes a cabinet minister on this side of the House he forgets he was ever in the back benches. I want to say to that hon. member and others, I certainly well remember my time in the back benches, and I remember the shock I experienced when I first came to this Legislature and found myself in a little two by two office down in the north wing, with no window, questionable ventilation—

Mr. Sweeney: It's still there.

Mr. Makarchuk: We still have them, John.

Hon. Mr. Rhodes: I haven't suggested they're not still there; I simply was drawing to the member's attention that I well remember that space. I certainly am one of those who would be most anxious to see proper office facilities for all members of this Legislature. Because whether you are a cabinet minister, the Leader of the Opposition, the Premier, the chairman of a committee or whatever extra activity you may have taken on since you came to this House, you are first and foremost a member of this Legislature. Despite the extra activities we may have taken on in our respective caucuses, all of us still have the main responsibility of working for our constituents.

Mr. Worton: No lecture, John; no lecture.

Hon. Mr. Rhodes: If we're going to do that, we have to have reasonable facilities to work in, and reasonable access to the assistance that each of us needs in order to carry out our jobs. All I'm saying to my hon. colleagues is that I, for one—and I think I can speak for a great many of my colleagues in cabinet—endorse what has been said in this report, and am prepared to take the necessary action to implement it.

Mr. Sweeney: When?

Mr. Makarchuk: When; tell us when, John.

Hon. Mr. Rhodes: My colleague, the Minister of Government Services (Mr. McCague), has stated that one of the requirements indicated in this particular report is the need for individual offices of 500 square feet for each member. That is going to be done. He

has so stated. You're not going to wave a wand and suddenly see everything disappear from all the 125 offices here, but progress is being made.

I'm not going to run around the building saying, "There's paint off the wall here; there's paint off the wall there." If this building has to be refurbished, and it should be, then let it be done. To sit and say, "You're responsible over there, you're not doing the job right, you're not protecting the public property"; that's fair ball, that's understandable; that's what you perceive as part of your role and that's the name of this game we're all in; the main thing in discussing this report is that all of us on both sides of this House have a responsibility to this building, to this chamber, we have a responsibility to see that each member of this Legislature is properly provided with the facilities and support he needs to carry out his responsibility.

The member for Sudbury East said, "I have turned into a social worker; I thought I was a legislator." We know what our jobs are when we come to this Legislature, we know full well that part of our responsibility is dealing with the day-to-day problems.

Mr. Sargent: Are you lecturing us? Are you giving us a lecture?

Hon. Mr. Rhodes: No, I'm not giving you a lecture, although I must say in your particular case it wouldn't do any harm. All I'm trying to say is that I resent to a substantial degree—

Mr. Sargent: You are talking down to us.

Hon. Mr. Rhodes: —the feeling that the members pass on to me that I sit over here and don't care. That is not so.

Mr. Sargent: You are talking down to us, sit down.

Hon. Mr. Rhodes: No, I am not talking down to the members and let me tell—

Interjections.

Hon. Mr. Rhodes: —the member for Grey-Bruce, Mr. Speaker, it is impossible to talk to him without talking down to him, because that is about his level most of the time.

Interjections.

Mr. Samis: Nasty. That is nasty.

Mr. di Santo: That is nasty before Christmas.

Hon. Mr. Rhodes: Mr. Speaker, as I look through the recommendations in the report there are a number of them that I think we really should not worry ourselves about. You know, the one that says the division bells should be less strident but audible throughout

the building. I am really not going to lose too much sleep about that.

Hon. Mr. Kerr: Strident! You can't wake up!

Hon. Mr. Rhodes: I am not going to lose an awful lot of sleep "that the bell for a vote should be distinguishable from the bell for a quorum and both should be distinguishable from the fire alarm bell." I have not yet seen anybody run out of the building when the division bells went.

But I would like to say to the hon. members that I am willing to support fully and endorse the contents of this report and I would like to see all of us work together to see that it gets done and get the building in good shape.

Mr. Sargent: Mr. Speaker, I would like to pay a word of tribute to former Speaker Morrow on his contributions over the years in establishing fair play for all of us in this House.

Mr. Baetz: Long live Ottawa West, Eddie.

Mr. Sargent: Don Morrow was a former great baseball pitcher. He could have played pro ball. But over the years he has always been interested in fair play for all people and I want to say, although he is not here, he was one friend all of us had on the government side.

[Applause]

Mr. Sargent: Mr. Speaker, I would like to congratulate the member for St. George (Mrs. Campbell) whose experience in the science of government and in a lifetime of service for her people leads her to make a very meaningful case for the sorry mess in this, what could be the most beautiful showcase in all Canada.

On the situation we have today, I would like to congratulate, Mr. Speaker, the member for Sudbury, (Mr. Germa), for Huron-Bruce (Mr. Gaunt) and the member for Parry Sound (Mr. Maeck) for their contributions to this report. They are all sincere.

This tells the story pretty well. Over the years—I have been here, I guess, for about a hundred years it seems, but—

Hon. Mr. Kerr: Longer.

Mr. Sargent: —the hon. Minister of Housing tells about his hardships—that he had a very small office without any air conditioning and no window.

I guess a lot of us over here did not even have a desk when we came here.

Mr. B. Newman: Right. Desks were right in the House.

Mr. Sargent: Being a member of the oppo-

sition is a caste system we have and it has not changed.

Hon. Mr. Kerr: We did our work right here.

Mr. Sargent: I think, Mr. Speaker, at this time and place—I think time is “a-fugiting,” but we will have to make this for all time, to the member for Parry Sound and the Minister of Housing, if they are going to be sincere in what they say, this has to be put in top priority for real action.

I am not going to get into a hassle with the Minister of Housing on how he thinks how low I am. I have always had a high regard for him as a member. If he wants to go that way, I don't mind a bit. But if I want to have repartee with the minister on a straight across the House basis, we were friends always and I am not going to hassle with him now. Pass.

Hon. Mr. Rhodes: Mr. Speaker, I would like to withdraw that remark. It was uncalled for when I made it and I apologize to the hon. member. It should not have been made.

Mr. Sargent: I do thank you, John; I thank you.

Hon. Mr. Welch: There is a gentleman, there is a gentleman.

Mr. Sargent: Are you pointing at George or at him?

He was a Liberal to start with, though.

Mr. Makarchuk: Don't spoil it, Eddie.

Mr. Sweeney: That is why you have become a nice guy. You remember what your roots were.

Hon. Mr. Welch: You have to admit John Rhodes saw the light.

Mr. Speaker: Time is awasting.

Mr. Sargent: Well, I won't be long, Mr. Speaker.

The preamble in this report, I think, sums it all up. It says: “The legislative building should be a showcase of the history and culture of Ontario. The building should be refurbished to give visitors a great awareness of both its history and its symbolic importance.

But the shabbiness of this building, as Monty brought out just a few minutes ago, and as I was showing Fred Young a minute ago in this lobby—

[10:15]

Mr. Speaker: You mean the hon. members for Cambridge (Mr. Davidson) and Yorkview (Mr. Young).

Mr. Sargent: I'll watch that, John.

In this little library reference room we have here in the opposition lounge, the coils have fallen out, they are lying on the floor,

and the seats have caved in; that's a real showplace in there, I'll tell you.

Mr. Makarchuk: It looks like the waiting room is a bordello, eh Eddie?

Mr. Baetz: How about the bar?

Mr. Sargent: Well, it's really a sleazy operation; the whole thing is. It is really nothing to be proud of and I think it is a reflection on all those in Treasury the way they have let this place run down.

The elevators are a disgrace. We need new elevators in the main part of the building. Mr. Speaker, I am in the hotel business, and I say this isn't even a good third-class hotel operation.

Mr. Laughren: Compared with the Eaton Centre.

Mr. Sargent: If you will pardon me, Mr. Speaker, although you are in charge of the operation—

Mrs. Campbell: He is not, that's one of the problems.

Mr. Sargent: —it's very poor housekeeping, and that covers a lot. I put that in quotes. “Very poor housekeeping”; in the hotel business you wouldn't get a licence to operate a beverage room.

Mr. Makarchuk: They'd have work orders against you.

Mr. Sargent: That's right; and they would close you up damn soon.

Hon. Mr. Rhodes: What about the Parliamentary buildings in Cuba?

Mr. Makarchuk: I haven't been down there.

Mr. Sargent: The crowded offices of the opposition are an area the minister should go down and visit some time, just to refresh his haughtiness, his arrogance, to see the way we are existing down there.

Hon. Mr. Rhodes: That's where you got your political science course, isn't it?

Mr. Sargent: What makes you think that the Treasurer (Mr. McKeough) can spend \$70,000 on fixing his office up? What makes you think that we have to go past two or three secretaries to see you people? You are living in palaces like Taj Mahal over there. The member for Parry Sound has the audacity to say—the kindest way I can say it—he had the audacity to say that we deserved this because we were losers over here, we are losers.

Mr. Davidson: That's what he said.

Mr. Sargent: That's what he said, “You deserve it because you are losers.”

Mr. Worton: So we ain't going to lose any more.

Mr. Sargent: That's right, you can bet your boots on that. You know when he said that he struck a new high in my low, I'll tell you.

Hon. Mr. Rhodes: I want you to put my remark back in Hansard; I withdraw my withdraw.

Mr. Makarchuk: That one will go down in the quotes of Colombo.

An hon. member: Eddie, you have made your mark.

Mr. Sargent: I think the opulence in which you fellows operate over there is a disgusting display of wealth, of opulence. In my 13 years or 14 years here, until this week I have only had room for two chairs in my office.

An hon. member: He even had to rent his own furniture.

Mr. Wildman: Eddie, I'm ahead of you, I've got three chairs in my office.

Mr. Makarchuk: One of them is plugged into the wall outlet.

Mr. Sargent: So, in other words, if I may set the tone, we have a slipshod operation.

Mr. Samis: Eddie, that's a hard one to follow.

Mr. Sargent: We can throw a stone and hit a \$43 million building over there; you can spend more money on Minaki in one year, \$5 million up there, than you spent on this building in the last 10 years or 15 years, at least since I've been here.

Mr. Baetz: You had more fun here, Eddie.

Hon. Mr. Rhodes: It is closer to home too, Eddie.

Mr. Sargent: You should see the way the civil service live over there, those bureaucrats; I'm convinced now that they even treat you cabinet ministers like puppets on a string, they run you guys. I had lunch with the second-top Tory in this province—

Mr. Conway: Who on earth was that?

Mr. Sargent: —a while back, and he said it's a disgrace the way the civil service treat cabinet ministers. They laugh at them and they look down at members of Parliament with disdain.

Hon. Mr. Kerr: They get more money.

Mr. Sargent: George, they do; I'm with you on that one.

Mr. Baetz: What are you going to do with the civil servants?

Mr. Sargent: Well, up the revolution.

Hon. Mr. Rhodes: Are you suggesting we fire them all?

Mr. Conway: I remember that was once a Liberal policy.

Mr. Sargent: I think it's time that we collectively stood up and dug in and said, "Look, for once in this beautiful province, we have our own acres of diamonds, as it were, the finest in the whole world we have here, and yet we have this shoddy operation." I travel a lot in my business and every time I go to a capital city in the United States or Canada, I make it a point to go to the Legislature.

Hon. Mr. Rhodes: You've got to get into one once in a while.

Mr. Sargent: I move that be struck from the record. You see, I've got to do this, I can't live on the salary you give me.

Mr. Breithaupt: If he was a civil servant he'd be all right.

Mr. Sargent: That's right.

Hon. Mr. Rhodes: I'll give you a job.

Mr. Sargent: What bugs me is that this report says that the member of Parliament gets \$4.29 an hour net.

Mr. Worton: Too much, too much.

Mr. Breithaupt: The Ontario Federation of Labour would be doing us a favour.

Mr. Sargent: Those of us in the opposition do even worse than that, because we don't get \$5,000 extra for sitting on a committee like you guys do over there. You've got your built-in things for all your people and you give us a shellacking all along the line.

Hon. Mr. Kerr: Every four years or so.

Mr. Sargent: I thought you were asleep.

Mr. Breithaupt: The well's starting to run a little dry over there.

Hon. Mr. Rhodes: If you go to Ottawa, it is just turned around, eh, Ed?

Mr. Sargent: The member for Cornwall (Mr. Samis) told me that in Quebec the Legislature down there gets \$30,600 a year.

Hon. Mr. Kerr: That is per session; and they have one in the spring and one in the fall.

Mr. Samis: It's gone up since then.

Mr. Sargent: If I couldn't supplement my salary, I couldn't afford to be down here. I don't know how some of these fellows do it, I honest to God don't.

An hon. member: They moonlight.

Mr. Sargent: You can't be smart when you talk about members' salaries in this House, compared to what you're making as a cabinet minister.

Hon. Mr. Kerr: It is all too low.

Mr. Worton: We have to spend just as much time—

Mr. Sargent: And what burns me is I go out of here tonight and as I'm walking down to the hotel, the big limousines draw up and you guys pile in there; that bugs me.

Hon. Mr. Kerr: You're jealous.

An hon. member: Pick us up once in a while.

Mr. Sargent: Why can't you drive your own cars, quit all these trappings to power?

Mr. Samis: Right on, teach Claude Bennett how.

Hon. Mr. Rhodes: That is how the Tories feel in Ottawa too.

Mr. Sargent: While people can't get jobs, you guys are running around like oil barons around there.

Mr. Makarchuk: Bloody Arabs.

Mr. Sargent: Some of you go past me and you hide down so I won't see you.

Mr. Samis: They put Larry Grossman on a pillow.

Mr. Breithaupt: He doesn't reach up to the window.

Hon. Mr. Kerr: Can't you park your Cessna up there?

Mr. Makarchuk: And one-way glass in the car.

Hon. Mr. Rhodes: Haven't you got that car fixed since you ran into the back of one here?

Mr. Sargent: In some Legislatures they have electronic voting; you just push a button on your desk, they're modernized.

In summary, I want to say, Mr. Speaker, I thank you for your time.

Mr. Makarchuk: And your tolerance.

Mr. Speaker: My time is your time.

Mr. Sargent: What this Legislature needs, in all seriousness, is a highly trained executive who has had a successful career in hotel management. We need another Gordon Carton here, a man to put this place back into shape.

Hon. Mr. Rhodes: You're lobbying, you're trying to get into the civil service.

Mr. Sargent: Thank you very much.

Mr. Makarchuk: Mr. Speaker, after the call to the barricades from the member for Grey-Bruce, I feel that I do not have that much to contribute to the debate; however I don't think that tonight we will be gathering at the barricades on his call. I want to speak particularly to what has been said by the Minister of Housing. He says in the first place that when we wave a wand we want things to happen immediately and so on.

That's really not the case on the opposition side among those who want things to happen.

I was here in 1967; I saw the conditions then and I see the conditions as they are now; basically, there have been few changes. We've graduated from a state where we had four members in one office to where we now have one member in one cubicle. The cubicle described earlier is exactly what members still have for working space in this Legislature. We don't expect miracles, but how long do we have to wait for action by this government? The government is in the position to do something about it; how long do we have to wait until certain things are done to provide decent working space for the members of this Legislature?

We're not asking for the moon, we're not asking for anything great. Specifically what we're asking for is reasonable working conditions for the members. Unfortunately we can't go on strike, we can't picket outside or something of that nature, but I think it's not a problem to be faced and worked out by the members on this side of the House only, it's a problem that's faced by members on both sides of the House.

The Minister of Housing said we all have to work together to improve conditions. There's no question about it, all of us have to work together. All of us on this side of the House have been stating, the committees have been stating, this committee has been stating; each and every one of us has something to say about the working conditions, and the members on your side of the House have said exactly identical things—in fact they have signed the report and agreed with the contents of the report. But the point is that the government, the cabinet ministers—the boss—makes the final decisions.

I would suggest to you—and there are two cabinet ministers present here now for a change, and it's about time—

Mr. Conway: One and a half actually.

Mr. Makarchuk: —I suggest that perhaps they take the message back and let's get to work on it. We're prepared to work on it; we're prepared to accommodate you, I hope that you are prepared to accommodate the members on this side. When he concluded his statement, he said we all want to make this place work. I want to point out to the Minister of Housing that if he provides a place to work for the members of this House we will make it work. If he doesn't, he's going to have problems; he's going to have confrontations; he's going to have dissension and he's going to have all sorts of things.

The nature of this Legislature has changed

in the last two or three years. It's something that has to be recognized. Perhaps some of the members of the government, like the Minister of the Environment (Mr. Kerr) are not prepared to recognize the fact. But other members are prepared to recognize the fact that the nature of this Legislature is probably going to remain this way for a long time to come. Consequently, you have to do things to accommodate the members on this side of the House as much as you have to accommodate members on the other side of the House. I hope you get to work on that.

Mr. Speaker: Under standing order number 28, a motion to adjourn is deemed to have been made. I will listen to the member for Downsview for up to five minutes.

BRIBERY CASE

Mr. di Santo: I've been asking for the last two weeks, a question of the Attorney General (Mr. McMurtry) which I think is important for the administration of justice in this province. For reasons I can't understand, the Attorney General has answered not only evasively, but has also given a misleading picture on the problem I was trying to bring to the attention of the House.

In fact, I was referring to a case of bribery involving a person named Marco Muzzo, one of the principals of Marel Construction, and a person named Melvin Kurtz, an employee of a construction company. In that case, the Attorney General chose to prosecute the person who had received the money, rather than the person who had given the money. The reason the Attorney General gave to me in his answer was, and I quote: "It was necessary in this case to refrain from prosecuting one or the other of the giver or receiver in order to have the evidence of one to have a successful prosecution."

Now, Mr. Speaker, in the Waisberg report—
[10:30]

Mr. Baetz: May I rise on a order of privilege as the parliamentary assistant to the Attorney General?

Mr. Speaker: You will have the opportunity to respond if you wish.

Mr. Baetz: I would just like to know, Mr. Speaker, what this intervention is all about, since it does involve the Attorney General's office.

Mr. Speaker: Well, under standing order 28 (a), if a member of the Legislature is dissatisfied with the answer given to him by a minister, on proper notice he has the right

to debate this for up to five minutes upon adjournment at 10:30.

Mr. Baetz: Thank you, Mr. Speaker, for the explanation.

An hon. member: He gave notice at 3 o'clock, Harry.

Mr. di Santo: Thank you, Mr. Speaker. Probably the member wasn't here at three o'clock.

An hon. member: Or wasn't listening.

Mr. di Santo: Anyway, Mr. Melvin Kurtz, the person bribed, admitted to Judge Waisberg that he had received \$19,500 from Marel Contractors, so there was no possibility that one of the two parties would deny that he had committed an illegality. But what concerns me is that six other people were charged and in each case the persons charged were the persons who received the money and never the persons who gave the money; and in each case the persons who gave the money were big contractors.

I think we have to look at this question in context. If we go back to 1974 we can see that the Waisberg report was published, the then Attorney General, (Mr. Welch), in an interview, cautioned against drawing any inference from the number of charges laid so far, saying more were in the works. The fact is that they never came, and we know that the present Attorney General is a personal friend of the president of Marel Contractors; and not only is the president of Marel Contractors, Elio Muzzo, a personal friend of the Attorney General, he has been a political supporter of the Conservative Party and a financial contributor of the Attorney General's campaign. You can find that in the statement of campaign receipts and expenses of the candidate, Roy McMurtry—page 10 Elio Muzzo, Marel Contractors, 130 Toro Road, Downsview; and Marco Muzzo, Marel Contractors, 130 Toro Road, Downsview; contributed to the campaign of the Attorney General.

Mr. Makarchuk: How much?

Mr. di Santo: It was \$250 each. We don't know how much they contributed to the previous campaign when the Attorney General was defeated, and we don't know how much they contributed to the last campaign, but for sure I know that the Attorney General was present at the Triumph Hotel when they had the fund raising meeting in which the president of Marel Construction was one of the fund raisers for the Conservative Party at that time.

Mr. Makarchuk: There goes his leadership chances.

Mr. di Santo: The point that I want to make is this: Is it possible that the Attorney General in this case, has chosen to prosecute—

Mr. Speaker: The hon. member's time has expired.

Mr. di Santo: —the person who received

the money and that the same applied to other persons? Isn't it possible that there is a conflict of interest?

Mr. Speaker: If nobody from the ministry wishes to reply, this concludes the matter.

The House adjourned at 10:35 p.m.

APPENDIX

(See page 2507)

TRIBUTE TO FORMER SPEAKER, RUSSELL ROWE

Ceremony outside the Chamber

Mr. Speaker: Order, please. Can we have your attention now? You are all aware of the reason we are gathered here, to pay tribute to a colleague of ours who is celebrating a birthday today. It is an opportunity for us to perform something we always do when a Speaker has retired. We are awfully pleased to note that Mrs. Rowe, Marge, is with our colleague Russell on this occasion. I'm told that their daughters Karen and Anne, their sons, Robert and Cameron, and their daughter-in-law, Janice, are here. We also have with us Mr. Richard Miller of Mississauga who has done this fine work of art. He also painted Mr. Speaker Reuter's portrait and his works have been exhibited internationally.

Before we get on to the formal presentations and to the unveiling, I want to remind hon. members that Mr. Speaker Rowe is the only member of the Legislature to have served as Deputy Chairman of the committee of the whole House, Deputy Speaker and Speaker of the House.

Without any further ado, I would like to call on the Premier to say a few words.

Hon. Mr. Davis: Mr. Speaker, it is a pleasure to join Russell on his birthday. I notice you didn't tell us just what birthday it is that he is celebrating. He may confide in us and, in that most of the press are here, that will certainly be confidential. I can recall, Russell, when I was at your first convention, if memory serves me correctly—and that was just a few years ago.

Time moves very rapidly. In political life one has a lot of memories, most of them good. I can recall that convention very well. Your predecessor predicted to me you would be making a very significant mark in the public life of this province, and of course that prediction came true.

For those of you who don't remember

Russell's predecessor, his name happened to be William Goodfellow, one of the very distinguished Ministers of Agriculture of the province of Ontario who, in turn, was a great friend of another Minister of Agriculture whose portrait is somewhat further down the hall.

I would like to express my best wishes to our former Speaker and my personal thanks to him and to his wife for the service they gave—and I emphasize they—and, as I said in the House, to thank Russell for the very excellent leadership he gave to the Assembly. That is a task, Mr. Speaker, that you have found is not always simple but it is one that he discharged with fairness, as I have said on occasion, sometimes looking more often to his left than his right, but nonetheless one that we appreciated.

Mr. Peterson, there are some days when I think you look more to your left than right.

Mr. Peterson: I happen to look right in front.

Hon. Mr. Davis: I will tell you, if you just looked a little more in the direction of your in-laws, you would be a lot better off.

Not only did Russell do it in fairness, but he did it with dignity and was a credit to our whole system of parliamentary democracy. And so, Russell, it is a great pleasure to join all of your friends here, and most particularly your family, at this unveiling of your portrait and also to help you celebrate your birthday. Russell doesn't know this but he is anxious, in that we can't do it here, to treat you all to champagne and cigars at some future occasion.

I would also say to the artist that we have a lot of talented people in the municipality next door to the city of Brampton. Mr. Miller, you are in the same ranks as the late Mr. Dingle and many others who are of your profession in that municipality. It's great to have such very distinguished people performing this sort of service. I haven't seen the portrait, but I can only say that if it is of

the same calibre of work as the one you did of Mr. Reuter, then we are looking forward to its unveiling. If it isn't of that calibre, of course, you will have an opportunity to retouch and alter. I am sure Mrs. Rowe will give you some advice, but I have a feeling it will more than meet the very high professional standards that you set.

Once again, I express to Russell, to Marge and to his family my appreciation for the service you have given to all of us, but most important to the system we all support.

Mr. Speaker: The Leader of the loyal Opposition, please.

Hon. Mr. Davis: To whom he's loyal, I'm never quite sure.

Mr. S. Smith: The Premier is wondering to whom we are loyal. He hasn't noticed, going his way at all, that we are certainly very loyal to Her Majesty.

I want certainly to associate myself with all the remarks, save the partisan ones, that the Premier has ably put today about ex-Speaker Rowe. As you know, I spent some years of my life as an assistant to a Speaker of the House of Commons. I know the tremendous pressures on that office at all times, but especially in a minority situation.

We in the House are aware of the difficulties a Speaker has to deal with in bringing members to order, keeping the debate running and all the obvious things. What we don't see are the innumerable committees he has to deal with; and also his responsibilities in connection with money spent in the building; the housekeeping matters, the visiting delegations, the requirement to represent the province and the Legislature, visiting other places, dealing with parliamentary assemblies of various kinds, and so on. These matters are a tremendous drain on the time of a person; and when he is also trying, as Mr. Speaker Rowe was always able to do, to represent his constituents and their interests, it is really—and I say this quite sincerely—a superhuman task. We ask too much of the people we elect to the office of Speaker.

Russell, if I may refer to you that way, you conducted yourself with dignity and you brought honour and distinction to the office. All of us in Ontario are better off because of the work you did on behalf of the democratic system in the Legislature of Ontario. Your family, I am sure, is delighted, for your own health and for their happiness, to see that you have now had a chance to gain a little relief from those onerous responsibilities. Now you're celebrating a birthday, which means you are probably almost as old as the Premier.

Hon. Mr. Davis: Not quite.

Mr. S. Smith: The Premier ages 10 years every time the Argonauts get knocked out of the playoffs, so I am adding a few for that reason. Remember I am from Montreal originally.

In all seriousness, thank you, ex-Speaker Rowe, for a job well done, happy birthday, sir, and may you enjoy many more years of active service to the public and to yourself, your family and friends. Thank you.

Mr. Speaker: Mr. Lewis, the Leader of the New Democratic Party.

Mr. Lewis: Mr. Rowe and Mrs. Rowe and everyone here: I was actually elected to this Legislature the same year as Russell Rowe, back in 1963. We have therefore served slightly more than 14 years together. If I am both not maudlin and without partisanship, I think I can say that among all the colleagues I've had over the years, I can't think of a member of the Legislature, of a man, who was at once more generous, more thoughtful or more gentle. Russell Rowe, gentle is the word that comes to mind when I think of you and your contribution.

You were a Speaker of the House during a time here, it seems to me, when it was both volatile and even unruly; whatever differences some of us may have had with you from time to time, you always discharged what you felt to be your obligations with a deep and evident sincerity. If and when you decide to depart from political office, and you'll notice I imply retirement rather than defeat, I want to say to you that you'll leave with your colleagues at that point, a tremendous fount of goodwill and affection, a very distinguished career as an MPP and a Speaker; and now, sir, a memorable facsimile, a memorable replica to adorn the walls of this building forever.

When I look around at all the rest of you, I wonder whether any of us can have that as an affectionate memory.

Russell and Mrs. Rowe and family, thank you immensely for the contribution you have made to the Legislature. May you remain here as long as you would wish and have an excellent life thereafter.

Mr. Speaker: I would now like to call on the Deputy Speaker, Mr. Hugh Edighoffer, please. Hugh?

Mr. Edighoffer: Mr. Speaker, Russell and Mrs. Rowe, ladies and gentlemen: This, I think, is a very special occasion, because of course as all of you know, hangings and birthdays are significant occasions.

I have been asked to say a word or two on behalf of your 124 colleagues in the Legis-

lature. I am most pleased to do this, and I asked all members to participate in a small memento of this occasion. I must say that all members agreed they wanted in some way to show their appreciation, and of course also help celebrate your birthday.

The members got together and decided they would pool their minimal resources and purchase a small memento to show that appreciation and help celebrate your birthday. As you will notice, behind you there are four parcels; we thought it might be fitting to show that it was non-partisan, so we have blue, red and green ribbons on all parcels. Also on this special occasion we thought, because of the restraint programs, we would go back into what was left of some of the other Hansards. You will note, as you open the parcels, that they are Hansards from your election as Speaker and re-election after that time.

I want to say, on behalf of your 124 colleagues, simply but sincerely, thank you and happy birthday.

Mr. Speaker: Mr. Speaker Rowe, will you come up, please?

As Hughie has said, we have gotten together; and there is something to commemorate your 63rd birthday.

Mr. Rowe: He is a super-sleuth. It wasn't left to the RCMP after all.

Mr. Speaker: Would you please bring it in.

[Happy Birthday was sung]

Mr. Rowe: As you people can see, I am embarrassed.

Mr. Speaker, Mr. Premier, colleagues and friends; and family—all friends too; may I say just how overwhelmed I am with the sentiments which have been expressed here this afternoon, and I do want to thank you for them. It is not very often you get hanged on your birthday I might say.

You know, there are going to be some other people, I was just thinking as I was standing there, who are going to have to go through an exercise like this. They hang not only Speakers; so you have that to look forward to, Mr. Speaker; and sometime in the dim and distant future, Mr. Premier, they hang Premiers around here too, you know. I know there are other people in the room who would gladly take that risk—wouldn't they, Dr. Smith, Stephen, et cetera?

I want to thank you very much for your kind remarks. Yes, it is true, 63 years ago today my mother had a coming-out party. I know, because I was there.

I want you to know that I appreciate this, you really didn't need to go to that length.

The happy birthday cake we will all share, I hope, in a few moments.

I want to say how honoured I feel at what is being done today, because it is not everybody who gets a chance to be hanged in the Legislature of the province of Ontario. I deem it a great honour to find a place on the wall somewhere around here, in the company of my illustrious predecessors, Mr. Reuter, Mr. Cass, Mr. Morrow, and from there on back.

I was just thinking that perhaps some day my grandchildren, my great-grandchildren, or somebody who has heard the name Rowe, will be wandering through the halls and wondering who that old fellow up there is anyway. I hope they will have a sense of pride. I certainly feel proud to have had the opportunity to be the Speaker in the province of Ontario. I look forward to, and frankly I want you to know I am enjoying, my somewhat easier life now. I'm putting my weight back on, by the way; I got a suit the other day and I may have to have it altered, but that is a good sign.

Speaking about food, I think we should get on with the rest of this business, because I understand the Speaker has arranged a certain amount of refreshment down the hall, and there is this birthday cake to participate in.

So we thank you again for gathering here for these few moments and doing me this honour, for the support you have given me in the past years, and the position you granted me. I want you to know I will always appreciate that.

I also want to indicate what a difficult job Mr. Miller must have had, we'll see the results here in a moment. I enjoyed working with Mr. Miller during the sittings and I hope he enjoyed his work too. This is his second—I was going to say "customer," that isn't a very good word—his second hanging in these illustrious chambers and I'm sure he takes a great deal of pride in that respect too.

I want you to know I share this with not only my wife, Marj, who has been mentioned on many occasions here today, and whose hospitality many of you have partaken of at the apartment and elsewhere; but also my family. Only part of my family is here. You may have thought they were all here, and some of the neighbours too, but not really. I'm just trying to keep up with Paul Yakabuski—where's Paul? When Paul and I came into the Legislature, at the same time in 1963, he had a few more than I had and I said, "Look Paul, don't wait for me, I'm

not going to have any more, I'm not trying to catch up to you." Then he went ahead and had another one.

I also want to welcome a couple of my friends who joined us this afternoon; my campaign manager and his wife, Mr. Haynes and Mrs. Haynes; and other friends of ours, the gal who keeps my wife so well dressed at my expense, Mr. and Mrs. McMahon. I am very pleased that these people were able to join us. I think I mentioned my family, didn't I? Half of them are here anyway. Marj said two-thirds, I really haven't counted them lately.

I am going to cut the cake now and then I guess somebody will do the unveiling.

Thank you very much again, and we'll look forward to a little sociability.

Mr. Speaker: I think I would be remiss if I didn't remind all of Russ's friends that Edith Storton, who served as the administrative assistant to not only Mr. Speaker Rowe but three other Speakers, is here and we welcome you this evening, Edith.

Marj, if you will come forward, along with Mr. Miller, and Mr. Speaker Rowe will preside over the unveiling, please.

Mr. Rowe: How do you unwrap those parcels without spoiling those Hansards, Mr. Speaker, do you know?

[Unveiling. Applause]

Mr. Speaker: We will now adjourn to Room 228 down the hall for some light refreshment, please.

CONTENTS

Thursday, December 1, 1977

Report, select committee on the fourth and fifth reports of the Ontario commission on the Legislature: Mrs. Campbell, Mr. Martel, Mr. Maeck, Mr. Gaunt, Mr. Bounsall, Mr. Rhodes, Mr. Sargent, Mr. Makarchuk, Mr. di Santo	2507
Debate re oral question on Bribery Case, Mr. di Santo	2531
Adjournment	2532
Appendix: Tribute to former Speaker, Russell Rowe	2532

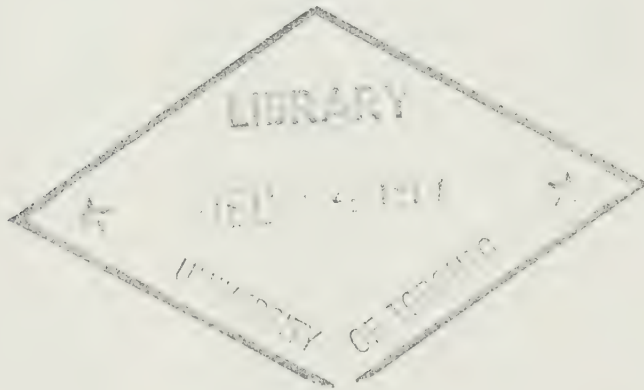
SPEAKERS IN THIS ISSUE

Baetz, R. C. (Ottawa West PC)
Bounsall, E. J. (Windsor-Sandwich NDP)
Breithaupt, J. R. (Kitchener L)
Campbell, M. (St. George L)
Conway, S. (Renfrew North L)
Davidson, M. (Cambridge NDP)
Davis, Hon. W. G.; Premier (Brampton PC)
di Santo, O (Downsview NDP)
Edighoffer, H.; Deputy Speaker (Perth L)
Elgie, R. (York East PC)
Foulds, J. F. (Port Arthur NDP)
Gaunt, M. (Huron-Bruce L)
Germa, M. C. (Sudbury NDP)
Grande, A. (Oakwood NDP)
Haggerty, R. (Erie L)
Hall, R. (Lincoln L)
Kerr, Hon. G. A.; Minister of the Environment (Burlington South PC)
Kerrio, V. (Niagara Falls L)
Lane, J. (Algoma-Manitoulin PC)
Laughren, F. (Nickel Belt NDP)
Lewis, S. (Scarborough West NDP)
Mackenzie, R. (Hamilton East NDP)
Maeck, L. (Parry Sound PC)
Makarchuk, M. (Brantford NDP)
Martel, E. W. (Sudbury East NDP)
Miller, G. I. (Haldimand-Norfolk L)
Newman, B. (Windsor-Walkerville L)
Peterson, D. (London Centre L)
Rhodes, Hon. J. R.; Minister of Housing (Sault Ste. Marie PC)
Rotenberg, D.; Acting Speaker (Wilson Heights PC)
Rowe, R. D. (Northumberland PC)
Ruston, R. F. (Essex North L)
Samis, G. (Cornwall NDP)
Sargent, E. (Grey-Bruce L)
Smith, S.; Leader of the Opposition (Hamilton West L)
Stokes, Hon. J. E.; Speaker (Lake Nipigon NDP)
Sweeney, J. (Kitchener-Wilmot L)
Welch, Hon. R.; Minister of Culture and Recreation, Deputy Premier (Brock PC)
Wildman, B. (Algoma NDP)
Worton, H. (Wellington South L)



Legislature of Ontario Debates

Official Report (Hansard)
Daily Edition



First Session, 31st Parliament

Friday, December 2, 1977

Speaker: Honourable John E. Stokes

Clerk: Roderick Lewis, QC

CONTENTS

A list of the speakers taking part in the debates in this issue of Hansard appears, in alphabetical order, at the back of this issue.

Daily contents of proceedings also appears at the back of this issue. Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff. Phone 965-2159.

Hansard subscription price is \$15.00 per session, from: Sessional Subscription Service, Printing Services Branch, Ministry of Government Services, 9th Floor, Ferguson Block, Parliament Buildings, Toronto M7A 1N3. Phone 965-2238.

Published by the Legislature of the Province of Ontario.
Editor of Debates: Peter Brannan.



LEGISLATURE OF ONTARIO

FRIDAY, DECEMBER 2, 1977

The House met at 10 a.m.

Prayers.

NEWSPAPER REPORT

Mr. Reid: Mr. Speaker, before we get into the usual business of the House and while we're waiting for some of the ministers to come in to answer questions, perhaps I could rise on a point of order; it's really not a point of privilege. There's an article in today's Sun that has offended me greatly, branded me with something I thought would never be done and that I'm very upset about. My colleague from Algoma (Mr. Wildman), who is not with us here this morning, has been similarly offended, I'm sure.

Just to set the record straight, an article on page 36 of today's Sun, "Oppositionirate over Minaki Plans," identifies me as the NDP Northern Affairs critic and the member for Algoma as the Liberal critic. I feel a great injury has been done to both of us and I thought I'd draw it to your attention, Mr. Speaker.

Mr. Speaker: That's a legitimate point of privilege.

Mr. Lewis: On the point of order, in the absence of my colleague from Algoma, he he would wish it to be known that he felt honour was done to the member for Rainy River.

Mr. Breithaupt: Speaking to that, I suppose it's a matter of we wouldn't mind the trade but there are no future considerations.

Mr. Lewis: Only a lawyer will understand that.

Mr. S. Smith: We've been placed in double jeopardy.

ACCOMMODATION ALLOWANCE

Mr. S. Smith: I rise on a point of privilege, Mr. Speaker. You were kind enough to send around to all members what you stated was an extract from the minutes of the Board of Internal Economy regarding the use of the members' accommodation allowance for members wishing to purchase housing accommodation. They would be reimbursed monthly in lieu of rent at a level

to be determined by the board on receipt of letters from realtors and so on. If I may say so, Mr. Speaker, you neglected to add, as far as I can make out, the following sentence from that minute, which says: "Mr. J. R. Breithaupt, MPP, dissented and noted that the Liberal caucus could not agree to this amendment."

As you know, Mr. Speaker, that's because we do not believe public funds should be used to allow members to reap possible capital gains. We wish, Mr. Speaker, that you might correct that if you deem it fit to do so.

We also wish that you might ascertain the position of the Premier (Mr. Davis) and the government on this matter so that the whole thing could be reconsidered by the Board of Internal Economy, to change it in accordance with what I think would be simply the right thing to do—to remove that particular extension of the allowance.

Mr. Speaker: I felt obliged to circulate the minute of the board meeting since it affected all the members of the House. It's not customary to indicate how each member of the Board of Internal Economy voted. We do operate the board democratically and the majority vote rules there as it does in all other assemblies. I didn't think it was necessary to list the dissenters. Maybe you consider it a point of privilege but I don't think it's incumbent upon the Speaker to do anything further. You have brought it to the attention of the House.

Mr. S. Smith: I would certainly like the Premier to comment on this and to let the House know what his feelings are. I hope you might assist in ascertaining that, Mr. Speaker.

Hon. Mr. Davis: Mr. Speaker, I really don't need your assistance in ascertaining my views. I would point out that I really don't think this is a matter of privilege. If the member wishes to ask my views, he could very simply ask a direct question, which might be a little difficult for him under the circumstances—

Mrs. Campbell: Why?

Hon. Mr. Davis: —but I think that would be the appropriate way to do it. I should

point out in reply to what may or may not be the point of privilege, that the Leader of the Opposition knows full well we were planning to meet to discuss this and other matters related to the economic situation facing all members of this House. I would have thought, Mr. Speaker, that a reasonable person might have waited until this matter was discussed along with the others that are of interest to all members whether they happen to be resident here in Metro or elsewhere. But the Leader of the Opposition felt it necessary to raise it now, I guess because of some pressure from the press which wanted him to ask me publicly.

We too have pressures from the press and we too react to them from time to time; that's appropriate. But it has been somewhat traditional in this House to hold discussion when we are dealing with matters that relate to the House because we are the ones who assume these responsibilities, as I expect we will collectively assume them in a few days as it relates to other issues. So perhaps the Leader of the Opposition might have restrained himself until that discussion took place.

So, in reply to the Leader of the Opposition, Mr. Speaker, I am not totally familiar with the activities of the board; I don't sit on that board. It is somewhat independent of government. It's represented there by all members of this Legislature. It tries to deal, as I understand the function of the board, as equitably as it can with the legitimate concerns of the members of this House. It is my understanding that a certain precedent had been established and accepted, I didn't know of this. What is being suggested at this moment is an enlargement that one might argue and discuss.

I think if the Leader of the Opposition were totally objective he would sense there is an argument on both sides. I would hope not an argument, but a point of view that was logical and legitimate.

What I am concerned about is not just what this House decides in terms of what is fair for the members who are here to represent the public interest, but that there be a perception of it being fair and equitable in terms of the public. I would say that by precipitating this discussion in this fashion he has done the members of this House no great service. He has made the task of the board just a shade more difficult—by introducing the fact—I understand this to be the case, and now you have brought it out—that the representative on the board of the Liberal Party did not agree with this. I guess that in future the board is going to have some

greater measure of difficulty in trying to remain objective and non-partisan. It doesn't get down to reporting that this party supported that or this party didn't support that.

Interjection.

Hon. Mr. Davis: Well, I would say to the member for St. George (Mrs. Campbell) she can interject all she wants, but I'll just tell her this matter is one that I think deserved discussion among the leaders of the three political parties in this House. Her leader knew we were going to discuss this along with the question of salaries and pensions. It's great for her to sit there and nod her head up and down, but I have to tell her I think it's a poor way to do business.

No money has been paid out, there has been no finality to this, and I am reserving my statement to the Leader of the Opposition until we have this discussion. If I can give him any advice, I think he should have done the same.

Mr. S. Smith: To set the record straight, it is important for me to point out that, not only did the meeting of the Board of Internal Economy take place on November 15, with the minutes available on the 22nd, but that I sent a note to the Premier—

Hon. Mr. Davis: And I had you talk to the Chairman of Management Board (Mr. Auld), and the member knew we were going to meet on these issues.

Mrs. Campbell: Let him speak!

Mr. S. Smith: I didn't interrupt the Premier, Mr. Speaker. And the Premier responded that I should speak to the Chairman of Management Board, which I did. I have waited a week for an answer. I said nothing to anyone about the matter, waiting for this discussion to come to some fruition.

The notice by yourself, Mr. Speaker, brought it to the attention of members and to the press. The matter has now become public and I informed the House leader that although I appreciated the Premier's offer of a discussion—I look forward to that discussion—that I believed the matter had waited for so long that unless the Premier would make some kind of statement, and unless the House leader could give me some kind of statement, I would feel obligated, as Leader of the Opposition, to raise the matter in some public way today.

I did so meaning no offence to the Premier as a person, nor did I wish in any way to undermine the functioning of the Board of Internal Economy, or the general business with which the three leaders can deal in a gentlemanly manner, and which I hope will continue. But I did take the time, on instruc-

tion from my caucus, to ask for a response from the Premier and the Chairman of Management Board. I have waited over a week now and I regret that I had to make the matter public in order to be a proper Leader of the Opposition. That is how I saw my role and I hope the Premier understands that.

Hon. Mr. Davis: I must say that I don't totally understand it. I asked the member to meet with or suggested he meet with the Chairman of Management Board. I knew that his caucus was less than enthused, but I also was under the impression that on matters of this kind that affect the total membership of this House—and the member knew full well we were going to be discussing honorariums of members, and the possibility of pensions—that this is something that is not unrelated to the economic situation all members of this House face. If the Liberal Party wants to take a unilateral position on this, prior to any discussion among the leaders, that's fine. I accept that.

[10:15]

If he is looking for me to say today that the government is opposed to that recommendation of the Board of Internal Economy, I'm saying to the Leader of the Opposition, in fairness to all of the members who are affected, I would have preferred to discuss this with him and with the leader of the New Democratic Party to see if we could come up with some rational solution that would be publicly acceptable, because I think there are points of view on both sides of this concern, as there will be on those two other items. I want to suggest that to him and I'll be interested in his reaction to some of that.

STATEMENTS BY THE MINISTRY

Mr. Foulds: Here comes another Friday morning special.

JAIL CLOSURES

Hon. Mr. Drea: I wish to announce the intention of my ministry to close three out-dated jails early in 1978. Two of these jails, Simcoe Jail, built in 1851, and Orangeville Jail, built in 1881, will be closed effective February 10, 1978. The third facility, the Kitchener Jail, built in 1853, will be closed early in March. All staff whose jobs are displaced by these closures will be offered employment by this ministry elsewhere in the province and, wherever possible, in near-by institutions. The three closures will effect an annual net saving of approximately \$1.379 million in operating costs and a saving to the Ministry of Government Services

of up to \$300,000 in capital costs in the 1978-79 fiscal year.

Simcoe Jail is a small institution holding an average of 30 inmates and employing a staff of 20. Inmates normally housed at this institution will be transferred to the Elgin-Middlesex Detention Centre in London and the Niagara Detention Centre in Thorold. My ministry has been under pressure from the local council to vacate this jail; the council has insisted the Ministry of Government Services commit itself to renovations amounting to \$100,000 before it will renew the lease. The current 10-year lease expires on December 31, 1977. The annual saving from the closure of the Simcoe Jail will be \$377,400, plus a saving to the Ministry of Government Services of \$100,000 in 1978-79.

The Orangeville Jail is also a small jail holding an average of 16 inmates and employing a staff of 20. Of the average daily count of 16 inmates, only about six are residents of Dufferin county which the jail serves. The other average daily number of inmates in the jail are from the Toronto area and are housed there because of overcrowding at the Toronto Jail. However, with the opening of the Metropolitan Toronto West Detention Centre there is now adequate space for all of those inmates to be housed there. In addition to the saving in operating costs generated by this closure, a further saving to the Ministry of Government Services of up to \$200,000 will be made in planned alterations and additions to the jail that would be necessary if it remained open. The net annual saving to my ministry from the closure of this jail will be \$373,300.

The age of the Kitchener Jail and its physical layout make it very costly to maintain adequate security. In addition, this antiquated facility sits squarely in the middle of Kitchener's new downtown development and the municipality is anxious that we vacate the present site in order that development may proceed. The net annual saving from the Kitchener Jail closing will be \$628,800.

As hon. members will know, we have converted Churchill House, the former security unit of Grandview Training School in Cambridge, into a maximum security facility. Inmates of the Kitchener Jail will be transferred to this modernized facility on the former Grandview School property. This new unit will accommodate 62 inmates in individual cells and dormitories. An outdoor recreation area and a chapel will be provided.

Most of the renovations and modernization of the facility in Cambridge were car-

ried out by inmate labour. A 20-foot wall will also be built around this facility by inmates from various correctional institutions in the area under the direction of the brick-laying instructor from Guelph Correctional Centre. The use of inmate labour to complete this project will save the taxpayers approximately \$1 million. No maximum security inmate will be transferred from the Kitchener Jail to this facility until the wall is completed. The present wire fence will remain inside the wall.

I am certain that hon. members will welcome the closures of these three antiquated jails in which living conditions for inmates and working conditions for staff are unacceptable. Understandably, conditions at these jails have been attacked by grand juries and public institution inspection panels. Although these groups have criticized the physical facilities they have invariably praised the staff or their conscientious efforts under trying conditions.

The most vocal criticism has been directed at the Kitchener Jail which was described in January 1976 by a grand jury as "a set of chicken cages . . . liable to send one into a psychotic state without much difficulty." The jurors found it "difficult to contain one's rage and revulsion and to see anything other than man's inhumanity to man here." The jury described the conditions as "men stacked in individual cages just narrow enough to contain a cot, a lidless toilet and a tiny space in front of it to put one's feet and open the door."

Mr. Sargent: Same thing in Owen Sound.

Hon. Mr. Drea: The jury asked how the staff could endure the narrow corridors "and still retain any sense of being pleasant, normal people."

These three closures early in the new year, plus those of Hamilton's Barton Street Jail and Toronto's old Don Jail, will bring the total of outdated jails closed by this ministry since 1971 to 18.

I believe this government can be justifiably proud of its jail replacement and renovation program which was set in motion when the province took over the responsibility for the operation of 35 county, and two city jails in 1968.

Hon. Mr. Davis: Where is the member for Simcoe? Come on now, applaud.

Mr. S. Smith: We have a minister over there who applies closure in the right places.

ORAL QUESTIONS

CONFIDENTIALITY OF HEALTH RECORDS

Mr. S. Smith: I would like to ask a question of the Minister of Health if I might, Mr. Speaker. Was the minister quoted correctly in today's Globe and Mail in suggesting that the terms of reference for Mr. Justice Krever might not allow him to actually investigate past leaks and past abuses with regard to the lack of confidentiality of certain health, hospital and insurance records? Could he not clear this matter up simply by telling us that the inquiry will take place under the Public Inquiries Act? Can he assure us of that so that witnesses can be called, people can testify under oath, and the judge can have proper latitude to carry out a proper investigation?

Hon. Mr. Timbrell: Mr. Speaker, I can't do that because it hasn't been decided yet by the cabinet. But certainly there are two things I want; one is the broadest possible terms of reference and second an early resolution to the problem. In other words, I would like to see a report, as indicated to the press, in the spring.

As I read that article—a very quick perusal of it before I went to a meeting this morning—it seemed that once again the headline didn't quite support the body of the article. To look at the problems, whether it concerns access to OHIP files or whether we are talking about psychiatric files or whatever, His Honour will have to look at what the practices have been and look at the particular incidents in order to carry it through to some logical recommendations of whether what we are doing is sufficient or whether there have to be any changes.

As I say, until we have settled the terms of reference with His Honour, and until I can go back to cabinet with the completed terms of reference and a recommendation, I can't say for certain which Act it will be held under. But I want it to be as broad as possible.

Mr. S. Smith: A supplementary, Mr. Speaker: Given the fact that a good many of these issues may touch on breaches of laws of this province and thus there might be a certain reluctance on the part of people to appear, surely the minister would agree that witnesses should be subpoenaed and asked to testify under oath and given appropriate protection. I'm sure he'd also agree that one is not going to know much about the weaknesses in the system unless one knows how they have been exploited in the past—and

therefore previous problems must surely be looked at.

Finally can the minister tell us whether there is a split in the cabinet, and that is the reason he doesn't want to have this under the Public Inquiries Act because one needs the cabinet to agree to that?

Hon. Mr. Timbrell: First of all, Mr. Speaker, I can assure the member there is certainly no split in the cabinet on any of this.

Mr. Conway: Where is the Attorney General (Mr. McMurtry)?

Hon. Mr. Timbrell: Secondly, the opposition leader is quite mistaken, and with respect, is trying to mislead the House in suggesting I am trying not to have it under the Public Inquiries Act. I am being very frank in saying we haven't finished the terms of reference. We haven't, therefore, decided on the means. Certainly the points that the member raises are part of our consideration.

Mr. Lewis: Supplementary: I take it the minister would not preclude Mr. Justice Horace Krever from investigating any matter between the period 1959 and 1977 which he felt impinges on setting up confidentiality for OHIP, public hospital or psychiatric hospital access. The minister wouldn't begin to preclude his right, surely?

Hon. Mr. Timbrell: Obviously we are not trying to tie anybody's hands in this.

Mr. Lewis: Just answer yes or no.

Mr. Foulds: The Premier actually shook his head "no" and mouthed the words.

Hon. Mr. Timbrell: No, I'm not about to try to tie his hands. I think we have to sit down and discuss with him how he sees carrying it out in order to finish the job in a timely manner, so that hopefully, say, by the end of March, we've got something.

Mr. Lewis: He has capacity. You leave it to him.

Hon. Mr. Davis: We don't want to embarrass the member for Sudbury (Mr. Germa).

Mr. Lewis: Just don't hog-tie him.

Mr. S. Smith: Supplementary, if I might. Will the judge also be able to look at the practice of the ministry in having certain data sent to Statistics Canada, psychiatric data in particular? Will the minister be able to make sure that the judge has some power to look at those matters and to see whether any of the leaks occurred from that end?

Hon. Mr. Timbrell: I indicated yesterday that he would be looking at the Public Hospitals Act, he would be looking at all of the requirements with respect to con-

fidentiality. I should tell the member we are required by a number of federal statutes to provide certain information, so certainly I would expect that His Honour in those instances would be looking at the means by which we do that to ensure that in providing the information, we are not conveying any identifying names, numbers, whatever. He would want to look at that to satisfy himself and the public that we are, in fact, carrying out that responsibility properly.

FORD LAYOFFS

Mr. S. Smith: I have another question, Mr. Speaker. It would ordinarily go to the Minister of Labour (B. Stephenson), but I gather she is ill, so I'll direct it to the Premier. In view of the announcement yesterday that the Ford Motor Company plans to lay off employees on December 9, 16, 23 and January 10, for a total of 308 employees, for reasons of production problems rather than lack of demand, could the Premier advise the House whether he knows—and I suspect he may not, but could he check on it—whether proper notice to the employees as required under the Employment Standards Act has been given? I ask that question because, on the face of it, it would appear as though eight weeks' notice should have been given and apparently was not; but I am asking it as a question rather than making a statement.

Hon. Mr. Davis: Mr. Speaker, I am not familiar with this. I will have the Minister of Labour or her office check on this over the weekend and have an answer for the members on Monday.

Mr. S. Smith: I thank the Premier. By way of supplementary, while he is doing that could the Premier formulate in his own mind some impression as to whether, in fact, this layoff is due to management error and management sloppiness rather than any market problems or problems on the part of labour? Could he assure himself of that and let us know what his opinion is on this, and also on whether or not the company would be willing to suspend overtime, rather than lay off these people at the Christmas season?

Hon. Mr. Davis: Mr. Speaker, I will get as much information as I can for hon. members. Unlike the Leader of the Opposition, I really don't presume to be an expert in the field of management, so I really may not form any such conclusions over the weekend.

Mr. S. Smith: That is evident from the Premier's management of Ontario.

Hon. Mr. Davis: I do accept my limitations; the Leader of the Opposition some day may recognize his. It may take a while, but he may. So I will get as much information as I can.

Mr. S. Smith: I accept the Premier's limitations.

Hon. Mr. Davis: Oh, listen, I recognize mine. It will be a great thing for his party when the Leader of the Opposition recognizes his.

Mr. Mackenzie: Supplementary, Mr. Speaker: In gathering information, would the Premier please check into the lengthy meetings that were held yesterday morning and yesterday afternoon between the company and the union, at which time the company refused to stop the practice of the line working 48 hours consistently and the maintenance and repairmen working in excess of 60 hours in the Ford plant; the company indicated that it was going to continue that operation in spite of the cutbacks and in spite of a specific request yesterday afternoon from the union to spread the work around?

[10:30]

Mr. S. Smith: I already asked that.

Mr. Mackenzie: You obviously never talked to the unions.

Hon. Mr. Davis: I recognize that the supplementary was more definitive than the original question; I say that with a recognition of how definitive it was. I will pass this question on to the minister and hopefully, as a part of the reply on Monday, will have more specific answers as to whether or not the company met the laws of this province. I will endeavour to do that for the hon. member.

METRO TORONTO SCHOOL BOARD

Mr. Lewis: I'd like to ask a question of the Minister of Education. Does his public pronouncement on the value of the Metro Toronto school board mean, in effect, that this part of the recommendations of the Robarts commission will also be scuttled and that despite the vote of the individual boards in Metro—four of them specifically and probably the other two would now join under certain conditions—despite that vote of the overwhelming majority of the trustees, the minister has apparently rendered a decision in advance that the Metro school board is to continue?

Mr. Rotenberg: Unanimously.

Mr. Pope: Scarborough is against that.

Mr. Lewis: No, no longer.

Hon. Mr. Wells: I would be quite interested in my friend quoting exactly or showing me where I have rendered a decision that the Metro school board would continue. I think the only statement I recall being quoted in one of the newspapers was that I had yet to see conclusive evidence that the Metro school board should be done away with.

Mr. Lewis: That's what I meant. I know the minister and I know what that means.

Hon. Mr. Wells: Let me tell my friend why I said that, because I read the resolution that the Metro school board passed. It said the Metro school board should be eliminated provided that the province will meet the following three conditions. The first condition was that all capital debenture costs should be equalized across the area. The second was that the quality of education in Metropolitan Toronto should be guaranteed and that the equalization should apply between the boroughs as it should also apply between all the boards in the province of Ontario. The third was that there should be some mechanism set up to maintain co-operation between the chairmen of all the boards.

Mr. S. Smith: What's wrong with that?

Hon. Mr. Davis: A Metro school board by another name.

Hon. Mr. Wells: I submit to the hon. member that it's very hard to conclude that the Metro school board really either wants to do away with itself, or else if it does it's suggesting perhaps total amalgamation which could achieve those three ends. But it's pretty hard for anyone reading those three conditions to believe that they were really sincere in wanting to do away with themselves.

Mr. Lewis: By way of supplementary, that's a very interesting commentary on the trustees who debated for hours to come to those conditions, I remind the hon. minister. What the minister is saying, in effect, is that despite the request for separate local school board autonomy, based on conditions which allegedly prevail through the rest of the province, another Robarts recommendation is going out the window. Will there be anything left of that emasculated report?

Hon. Mr. Davis: Do you agree with the boundaries, Stephen?

Mr. Lewis: Actually I thought it was good to get the boundaries.

Hon. Mr. Wells: That's right. I thought that that was very good.

Hon. Mr. Davis: The member agreed with the Treasurer's decision.

Mr. S. Smith: He made it a week after I did.

Hon. Mr. Wells: I am really trying to be very fair with the Metro school board recommendation. As I said to the press when the recommendation was made it will be considered; it will be given the same weight as all the other recommendations that come in to us. But I will tell the hon. member, just to show him how perplexing the situation is in this particular area, I noted that several members of the Scarborough board of education voted for the motion at the Metropolitan school board meeting.

Mr. Lewis: That's right.

Hon. Mr. Wells: I also was informed the day before yesterday that the Scarborough board on this Monday night, after the Metro school board meeting, again reaffirmed the wishes of the Scarborough board that the Metropolitan school board remain and that the Scarborough board is also very, very much in favour of a uniform tax rate across Metro for education. I think that the logical conclusion of a uniform tax rate across Metro is some kind of co-ordinating mechanism. All I'm really saying is that—

Mr. Lewis: Is that the minister is keeping the Metro board.

Hon. Mr. Wells: I'm not saying that.

Mr. Lewis: Thank you very much. The minister has answered the question.

Hon. Mr. Wells: I'm not saying that. I'd like to see some more conclusive arguments. If the Metro board had come in with the resolution and then the conclusive arguments as to how they would accomplish their three conditions, I think it would have been much more convincing.

Mr. Lewis: The government will just hire John Roberts again two years from now.

Hon. Mr. Wells: No, we don't need to do that.

Hon. Mr. Davis: It may be the member for Scarborough West next time.

Mr. Warner: Supplementary: Am I to understand that the Minister of Education does not agree that each of the area boards of Metro should have the same kinds of agreements as do other boards throughout the rest of this province, and that somehow, if the Metro board is disbanded, each of the area boards should be left to flounder on its own without getting the needed help that is available to every other board in the rest of this province?

Hon. Mr. Wells: No. What I believe is that Metro, to some degree, is a unique situation and that Metropolitan Toronto represents one economic unit made up of boroughs and the city of Toronto. For 20 some-odd years we've been looking for unique mechanisms to make

this system work; the Metropolitan two-tier system of municipal government has been one of those. The member will notice there is no recommendation that it be done away with.

Mr. S. Smith: Things that can be done locally should be done locally.

Hon. Mr. Wells: With great respect to all the other opinions that may be put forward, the Metropolitan school board over some 20 years has made a significant contribution to the advancement of quality education in this area—

Mr. Lewis: Unlike the Conservative Party.

Hon. Mr. Wells: —particularly in boroughs like Scarborough, York and so forth. The mere suggestion that it should be done away with and that all the equalizing can be done by the province without the kind of local input that is necessary is something that should be carefully studied by Metro.

Mr. Lewis: That's what we've asked for.

Mr. Warner: The minister would rather cut back and let property taxes go up.

Hon. Mr. Wells: Metro has an equalizing procedure and process to carry on within its own boundaries as well as the general equalizing process that we would have to carry on, as we do amongst all boards in the province. I want to make it very clear that the suggestions and recommendations that all these groups have submitted will be looked at very carefully and that we will be making some statements in the new year.

Mr. Warner: The minister wants Metro to do the work for him.

Mr. S. Smith: The minister knows how to pass the buck.

SPECIAL EDUCATION

Mr. Lewis: Since the minister answered me so directly on the first question, I'll take a chance on a second one. Are the rumours circulating adroitly through his ministry valid that he is about to embark on a remarkable and enlightened initiative—

Mr. S. Smith: A leadership campaign.

Mr. Lewis: Not a leadership campaign, no—to introduce a program for special education where the province would fund 100 per cent of the initiatives of the individual boards around Ontario in order to overcome these very serious difficulties of children with learning disabilities, emotional disturbances et cetera, rather than the current dependence on the weighting factor?

Hon. Mr. Wells: I really can't answer that question at this time because there are a lot of discussions going on about the 1978 gen-

eral legislative grant regulations which set the ground rules for all these payments. We've been looking at different ways of doing different things. As I told all the directors of education with whom I met yesterday there is one thing, however, that is constant and that I think must be remembered—that is there will be \$90 million more for general legislative grants next year than there was for this year and anything we do is built within that constant.

Mr. Swart: What percentage increase?

Mr. Foulds: Supplementary: When the minister indicated that he would be doing different things different ways, does that indicate, with regard to special education, he will be taking that out of the weighting factor formula—

Mr. Cassidy: Human need comes last once again.

Mr. Foulds: —and funding back directly, no matter what proportion he decides on finally?

Hon. Mr. Wells: My friend is getting into a discussion of what the general legislative grant regulation would be and I'm not prepared to do that at this point in time.

OGOKI LODGE

Mr. Kerrio: I have a question of the Minister of Agriculture and Food as it relates to Ogoki Lodge, now humorously referred to as mini-Minaki. Is he aware of a report in the *Globe and Mail* on Saturday, November 26, of a comment made by his deputy minister that there has been a complete audit of the lodge project, including funds contributed by the federal government, but that he refused to discuss its findings or release the report? He commented: "It's confidential or it's internal," which is the same thing as being confidential. Would the minister report on the audit as it exists and will we have it in time for the estimates of Culture and Recreation as it relates to that other ministry?

Hon. W. Newman: Mr. Speaker, it's like every other branch of my ministry. There's always an internal audit going on and—

Mr. Ruston: In this case, though, it was federal funds.

Hon. W. Newman: Look, one thing some people forget is that this whole project was done for the native people of this province and they built it and they did a good job. They had their own bookkeepers on the job too, and they didn't do a perfect job but they did a good job.

Hon. Mr. Davis: That's right.

Hon. W. Newman: This is very important to them. We had all native people basically involved—

Mr. S. Smith: The natives of New Zealand had some role in it, I understand.

Mr. Kerrio: Answer the question. Don't sing two verses of Ontari-ari-ario to me; just answer the question.

Hon. W. Newman: Yes, there is an internal audit. I said that. I have already answered the question.

Mr. Kerrio: Supplementary, Mr. Speaker: Would the minister—

Hon. Mr. Davis: They are losing the whole north. The member for Rainy River is getting nervous.

Mr. Reid: We haven't got much to lose.

Interjections.

Hon. Mr. Davis: You are going to have to take him aside.

Mr. Kerrio: In future, where taxpayers' dollars are concerned in such investments in this type of venture, would the minister consider expenditure control and progress scheduling so the people of Ontario can predetermine what kind of tax dollars are going to be spent? Certainly the minister should be able to address himself to that kind of responsibility now.

Hon. W. Newman: Mr. Speaker, one thing the member forgets is that this was basically funded by DREE in Ottawa. In fact, 92 per cent of the project was funded by the federal government.

Mr. S. Smith: You have the audit. You know what's going on.

Mr. Breithaupt: Just because it's their money, you can't throw it away.

Hon. W. Newman: Why don't the members give me some specific questions and I will answer them? Why don't they ask specific questions?

Mr. S. Smith: Will you table it?

Hon. W. Newman: No, I won't.

Mr. Kerrio: Mr. Speaker, may I qualify my question?

Mr. Speaker: Do you have a new question?

Mr. Kerrio: The minister suggested that I didn't pose a question. May I suggest to him that I posed a very valid question. I asked him if in the future he couldn't consider controls, scheduling controls and controls of expenditures. There was a very specific question. Would he consider doing those things when we take on this kind of a job in future for the province of Ontario?

Hon. W. Newman: Mr. Speaker, we have already said many times, this was originally an agreement with the Ogoki River Guides Limited and it's like any other ARDA project. It would be a project with them. They were running the project, they were building the project, and the grants came from the province and were reimbursed by the federal government in Ottawa and that's exactly how it works.

Any time we had any indication that anything was wrong, we had people on the job to try and train and help the native people and that's exactly what we did do as far as bookkeeping was concerned. A consulting firm was hired in Toronto by the name of Group Thirty Three.

Mr. Breithaupt: Is that like Stop 33?

Mr. S. Smith: Or Catch-22?

Mr. Kerrio: Was there someone there from New Zealand? Did they import some talent?

Hon. W. Newman: No. This consulting firm that was involved did the necessary hiring of the people. As far as the article in today's paper is concerned, the person who was hired to do the auditing down here for the company that was in charge hired a certain person, and the fellow who was on the project up north didn't even know that person originally, didn't even know that person, and if members think something's wrong with a man and a woman getting to know each other after a period of time then there is something wrong somewhere.

Mr. Gaunt: Did they do that under DREE?

Mr. S. Smith: Under the apple DREE?

[10:45]

TOURISM

Mr. Wildman: I have a question for the Minister of Industry and Tourism. Could the minister confirm that of 18 tourist brochures made available by his deputy minister recently to a francophone interested in Ontario's attempts to attract and serve Quebec tourists, only four were prepared by Ontario and 14 were prepared by the federal government? And of the four prepared by the Ontario government, only one was bilingual; two were in French, and the other was in English? If that is the case, considering that about one-tenth of the tourists who visited Metropolitan Toronto area last year were from the province of Quebec, does the minister consider that an adequate attempt by his ministry to attract Quebec tourists to this province, in view of his government's stated commitment to national unity?

Hon. Mr. Bennett: I am not sure of which 18 brochures the member speaks. The overall bilingual program, or the English-French publications of the ministry, is presently under review for a different direction in 1978-79. If the member would give me a list of the brochures he is referring to, I will have them looked at.

Mr. Wildman: Supplementary: I will give the minister that list, but could the minister confirm that nearly all or most of the brochures prepared by the Quebec Tourism ministry, even with a separatist government, are printed bilingually? If that is the case, will he make that same kind of commitment in this province?

Hon. Mr. Bennett: I would not be aware in what language the brochures are printed in the province of Quebec.

Mr. Warner: You've visited every other province.

Hon. Mr. Bennett: I would imagine that French is the principal language that is used. Whether they are all in a bilingual form I am not sure, but we can also have that looked at.

We are looking at the overall program of the province of Ontario and its brochure publications, both in the field of industry and tourism, in relationship to the Paris office which we recently opened.

RAILWAY LANDS

Mr. Yakabuski: I have a question of the Premier. In view of the fact that 75 years or a century ago the Canadian Pacific Railway was granted huge tracts of land for rights of way for railway building and servicing the people of Ontario and other parts of Canada, and in view of the fact that in recent years some of these branch lines have been abandoned and are not being maintained or cared for properly and have been turned over to their real estate branch, Marathon Realty—

Mr. Lewis: Get to the bridge, get to the bridge. Port McNicoll, get to the bridge.

Mr. Yakabuski: —what can this government do to see that these lands are turned over to the municipalities in which they are located? Presently they are not being cared for or maintained—

Mr. Speaker: The question has been asked.

Mr. Yakabuski: —and Marathon Realty are asking outrageous prices for their purchase.

Hon. Mr. Davis: I want to assure the members that I had no advance notice of this very important and complicated question. As I

understand the hon. member, he is wondering whether—as it relates to CPR; whether the same would be true of CN I am not sure—certain abandoned rights of way or properties within municipal boundaries might be turned over to certain municipalities.

If the hon. member would bring to my attention some more specific suggestions he might have then certainly I would be prepared to pursue it.

I do understand it is the policy of CPR to turn some of these abandoned rights of way over to a firm that is somewhat related, called Marathon Realty.

Mr. Foulds: A wholly-owned subsidiary.

Hon. Mr. Davis: In fairness, it is also true—and I point this out to the hon. member; I am familiar with one instance in Peterborough and I do not know whether this involved abandoned rights of way—that particular company has been part of certain urban redevelopment projects in some communities in this province that have been extremely beneficial.

I would like to know just what particular right of way the hon. member is interested in. I would be delighted to discuss it with him and see if it is worthwhile pursuing with that particular organization. If the hon. member might supply me with this information I would be delighted to take it further.

Mr. Yakabuski: Supplementary: The lands in question have no real estate value. They are in the village of Eganville and the township of Grattan, the townships of Bagot and Blithfield and Admaston.

Mr. Speaker: Question.

Mr. Yakabuski: They have no real development value as they may have had in an urban centre. Therefore I would hope that some ministry in this government could be successful—

Mr. Speaker: There's no question there.

Mr. Yakabuski: —in negotiating with Marathon Realty to see that these lands are turned over to the municipalities at little or no cost.

Mr. Speaker: There's no question there. The hon. Solicitor General has the answer to a question asked previously.

ACTIVITIES OF OPP

Hon. Mr. MacBeth: On Friday last, the member for Port Arthur asked a number of additional questions about the activities of the Ontario Provincial Police security branch on October 14, 1976.

The commissioner of the Ontario Provincial Police, through the director of the

security branch, is responsible for the security of the Queen's Park complex. The director is also responsible for the administration of the Ontario Government Protective Service. The director, therefore, was responsible for assigning the security branch members for surveillance on the day in question.

I think that was one of the questions—who made the assignment.

On October 14, 1976, there were approximately 20 members of the Ontario Government Protective Service on duty at the Parliament Buildings. They are responsible for the security at the buildings only. There were two plainclothes members of the Ontario Provincial Police on duty at the Legislature that day. One was a chief inspector of the security branch whose duty included supervision of the Ontario Government Protective Service. He normally attends at the Parliament Buildings when any demonstration occurs there. The second member was assigned to plainclothes duty to ascertain if any breaches of the peace were planned or intended.

The member of the Thunder Bay unit was at the Thunder Bay demonstration as a function of his normal plainclothes duties and as a member of the security branch. Thunder Bay was not singled out when there were demonstrations throughout the province. It is simply a matter of number of personnel. The security branch of the Ontario Provincial Police has members stationed at Toronto, Windsor, Kenora, Kingston and Thunder Bay.

No information was received concerning possible demonstrations in any of the other locations, so only the officer in Thunder Bay was assigned to monitoring the demonstration there. I trust this additional information will answer the concerns of the member for Port Arthur.

Mr. Foulds: Supplementary: Could the minister, as a matter of policy, tell the House why the director felt it necessary to assign these plainclothes security officers, particularly to supervise the demonstration in Thunder Bay? The minister said the officer in Thunder Bay did this in the course of his normal duties. Why would the supervision of a peaceful, legitimate demonstration, that had a licence for the march, come under the normal duties of a surveillance undercover officer of the OPP?

Hon. Mr. MacBeth: I did try to point out that there was nothing special about Thunder Bay on that occasion. As to the general practice of plainclothes officers carrying on this kind of surveillance, they do

it in most large public demonstrations. Where there are personnel available, then it's customary for a plainclothes officer to be there and—

Mr. Lewis: Why?

Hon. Mr. MacBeth: I suppose to listen to the conversation; to learn what may be going on and what plans they may be making. Because occasionally the most peaceful demonstration, that starts off in that way—

Mr. Lewis: You've got the local police.

Hon. Mr. MacBeth: —may erupt someplace, by the spirit of the occasion, into some kind of violence.

Our responsibility is to keep the peace. If by being there and listening to what is planned—and it may not be planned in advance at all; it may be something that is spontaneous—

Mr. McClellan: General MacBeth.

Hon. Mr. MacBeth: —then we can learn of that and take steps to avoid it.

Mr. Cassidy: What is this? A police state?

Mr. Foulds: Supplementary: Can the minister tell me what one single plainclothes officer could do to keep the peace that 20 uniformed police officers, who were supervising the demonstration in Thunder Bay, could not do? Can the minister tell me that?

Hon. Mr. MacBeth: It is fine to say that we should not be doing this kind of surveillance, but I am sure many of the people opposite would be the first to criticize us if we did not have this kind of surveillance. It is in the interests of keeping the public peace.

Mr. Lewis: Oh come on. That's just nonsense.

Mr. Warner: Utter nonsense.

Hon. Mr. MacBeth: Just hold on, Mr. Speaker, these people are there—

Mr. Lewis: This is absurd. These people run around and have nothing better to do than attend demonstrations? Cut your budget!

Hon. Mr. MacBeth: If they hear that there is some rumour of proposed violence—

Mr. Lewis: That's right. For a profit.

Hon. Mr. MacBeth: —then, of course, they will report it. And that is why they are there, to keep an eye on it. If it looks as though things are getting out of hand, that people might be injured, that something of a violent nature is going—

Mr. Lewis: You have the regular police there for that.

Mr. Cassidy: This is like the Mounties—undercover agents, police spies.

Hon. Mr. MacBeth: —that is what the police force is there for throughout the province, to try and maintain law and order, not wait until trouble starts, until some outbreak, but to try and nip it in the bud.

Mr. Speaker: The hon. member for Grey-Bruce with a new question.

Mr. Lewis: You are not allowing further supplementaries to this?

Mr. Speaker: No.

Mr. Lewis: On a point of privilege, Mr. Speaker. Since demonstrations take place at this building regularly in which members of the Legislature are involved, do we not have the right as a matter of privilege to ascertain whether in fact there are plainclothes OPP people present at all demonstrations; for example, at the one which the Ontario Federation of Labour had earlier this week? I'd like to know as a matter of courtesy to the members whether that is common practice.

Mr. Speaker: The hon. member of Grey-Bruce.

JOB CREATION

Mr. Sargent: A question of the Premier—this was not a set-up. I didn't get a new hospital over there. In the light of the upcoming meeting of the first ministers with Prime Minister Trudeau, for which I congratulate the Premier, may I ask our first minister if he would consider a move that could further enhance his position? In view of the drastic unemployment picture in Ontario, what would be wrong with, at this meeting, offering to turn over to the federal government our commitment of \$100 million to Syncrude in return for a credit of \$100 million to the province of Ontario, to be put back into our economy to create jobs?

Hon. Mr. Davis: Mr. Speaker, the hon. member does from time to time have some constructive ideas. I haven't analysed this one yet to really determine whether it is constructive or not.

Mr. Conway: The question is do you?

Hon. Mr. Davis: In that he has become so supportive here this morning and interested in me furthering my position, I must say that this is such a great change on the part of the hon. member; I'm still recovering from the shock. His leader is trying to change my position in another direction and here he is supporting—well, there is a division in the member's caucus—

Mr. Speaker: The question was, will you or won't you?

Hon. Mr. Davis: Or whether or not we should or shouldn't? I would point out to the hon. member that the rationale for the—

Mr. Ruston: Make sure there's no division in your caucus, we want to keep you around for the next election.

Hon. Mr. Davis: Oh, the members opposite shouldn't be too anxious, some of them.

Mr. Reid: The Premier said that the last time.

Mr. S. Smith: And we are still here.

Hon. Mr. Davis: You're moving around the corner but you've got fewer seats.

Mr. Speaker: Just ignore the interjections.

Hon. Mr. Davis: You got a lower popular vote, don't ever forget it.

Mr. Conway: Three times and you're out, Bill.

Mr. Kerrio: Johnson thinks Darcy is still in St. Catharines.

Hon. Mr. Davis: Mr. Speaker, they are interrupting me. It is just as well the member for London Centre (Mr. Peterson) isn't here this morning to hear this discussion—

Mr. Conway: Where is the old member for London North?

Mr. Reid: Which party is he with?

Hon. Mr. Davis: I could offer a comment on that as well, but I shan't.

Mr. Speaker: I am sure the member for Grey-Bruce would like to hear the answer to his question.

Hon. Mr. Davis: Mr. Speaker, the rationale, of course, for the investment in Syncrude—and I think the hon. member is aware of this—is to demonstrate in a very tangible way the interest the consumers of the province have in the development of new resource potential in western Canada.

[11:00]

I think it is important for the hon. member to remember that probably the main recipient of what is produced by Syncrude will be the consumer of the province of Ontario. This is why the government made the determination to become admittedly a very minor partner in this development, but it was an indication of our commitment to the further exploitation of a resource that was here in Canada, rather than in the future relying to a greater extent on offshore production of this very essential energy source.

While certainly I know the hon. member has thought the idea out very carefully, I would have to say to him I would not want the impression to be left that we are any less concerned about that development and

the potential it has for the consumer and the economy of this province. That is why we might be somewhat hesitant to see if someone else would buy out our position for the use of that money in some other area.

I would ask the hon. member, perhaps over the weekend, to reflect on the longer term implications of his question, the need for that resource in the economy of this province, and the fact that if it is successful—and it appears as though it is moving ahead and will be competitive in many respects—it will be the economy of this province that will be one of the beneficiaries of that sort of investment.

I know he does look forward. I know he is thinking five and 10 years hence and is interested in the economy of his region, as I am of mine. On careful reflection he might sense that investment should remain there to make sure that our commitment, and as a result the access to this resource, remain within the interests of the people he represents in his own community, as I do in mine.

Mr. di Santo: Supplementary: During the meeting with the Prime Minister will the Premier also raise the issue of the auto pact that this year is reaching a deficit of approximately \$3 billion and is causing unemployment, especially in southwestern Ontario?

Hon. Mr. Davis: I have already raised this with the Prime Minister. I really anticipated one or two questions earlier in the week on what the discussions were with the Prime Minister but I assure the members of the House, pursuant to our discussions, I did discuss with him the auto pact.

Before the member for Niagara Falls (Mr. Kerrio) asks a supplementary I also discussed the matter of the procurement of pipe for the Canadian part of the pipeline project.

Mr. Kerrio: We hope.

Hon. Mr. Davis: I received the same optimistic response from the Prime Minister as I gave to the member. We were interested in the parallels of how the official opposition in Ottawa was asking the same kind of questions as the opposition here in Ontario was asking.

Mr. Conway: What do you think of Joe Clark?

Hon. Mr. Davis: We said to ourselves, "Where is their optimism and faith and confidence in the capacity of Ontario industry to compete with anyone?"

Mr. Cassidy: Come on, those are empty words. Empty words without guarantees.

PIPE PRODUCTION

Mr. Swart: My question is of the Minister of Industry and Tourism. It has something to

do with this optimism and faith, but perhaps I would like to have some facts on it. He will recall, won't he, that on Monday of this week he indicated that later this week he would be bringing in a full statement on the capabilities of the Canadian companies to produce pipe to meet the likely requirements of the Alaska Highway pipeline? As this is Friday of this week, what has the minister to report?

Hon. Mr. Bennett: I shall bring in a complete statement on Monday. The one reason I am not reporting to the House today is that at this very hour the deputy minister and assistant deputy minister and those related to the industrial development program of the province are meeting in Ottawa with the federal representatives, and people from the industry as well, in direct relationship to this statement relating to the pipeline and the supply of pipe.

Mr. Swart: Supplementary, Mr. Speaker.

Mr. Speaker: We have had this topic almost every day and you will be getting a complete report on Monday.

Mr. Swart: This relates to the report, Mr. Speaker.

HOME HEATING AND INSULATION

Mr. Pope: My question is of the Minister of Energy. Recently I raised in this House a question concerning the eligibility criteria for the home insulation program of the federal government, the net effect of which is to deny this assistance program to the people of northern Ontario. I asked the minister to communicate that concern to the federal Department of Energy, Mines and Resources. I asked him if the matter was raised at his recent meeting with the federal Minister of Energy, if the eligibility criteria will be changed, and when the changes will go into effect.

Hon. J. A. Taylor: Mr. Speaker, I was gratified that following yesterday's meeting of federal-provincial ministers in Ottawa there seems to be some potential for flexibility, so that a meeting will be held with the Ottawa ministers to see if that program can be varied to accommodate the needs of the different regions of Ontario, as of other provinces, to take into consideration those climatic and geographical differences, including home construction. There are some communities in this province, for example, that weren't even built in 1921. I did point this out at the ministers' conference and I'm confident that changes will be made fairly quickly to accommodate those differences.

Mr. Kerrio: Supplementary, Mr. Speaker: In addition to this kind of agreement that the minister might enter into, is it his responsibility, with the Minister of Consumer and Commercial Relations, to be certain we don't have a proliferation of people in that business of putting insulation in homes and not doing an adequate job?

Hon. J. A. Taylor: Mr. Speaker, the Ministry of Energy has been working with the Ministry of Consumer and Commercial Relations to ensure that there is supervision in connection with this matter. As the hon. member can appreciate, we want to ensure that there are no fly-by-nighters who will victimize the public. As to the administration of the program, I also indicated to the Ottawa ministers—there is another minister involved now, Mr. Ouellette—that we feel that the administration of that program should not be centralized in Montreal, but should be brought here so that we can effect, I think, a more efficient administration of the program.

EDWARDSBURGH LAND ASSEMBLY

Mr. Conway: My question is to the hon. Premier and it relates to the matter of the Edwardsburgh land assembly. The Premier seems to be one of the very select few who, some years ago, were part of the original group that gave birth to that very famous project. I wonder if he could explain to me and members of this House how it was that in the context of that industrial development scheme the government of Ontario managed to arrange a group of disparate land purchases, many of which were not connected? Given the industrial future that he had in mind, how was it that the province bought heavily within, for example, the 2,700 acre block now identified by the Dillon report as suitable for nothing more industrial than a wildlife preserve?

Hon. Mr. Davis: Mr. Speaker, I can't comment in detail on all of the acreage in that particular potential industrial site. I am sure the hon. member has read the report. He certainly has read the story in the *Globe and Mail*. I, too, read that story and I think it's obvious that perhaps not all of the acreage acquired is totally suitable for future industrial development.

Mr. Cassidy: That is an understatement.

Hon. Mr. Davis: I would say to the member for Ottawa Centre, I'd be a little careful about understatements these days.

Mr. Speaker: Order. I wish the Premier would ignore the interjections.

An hon. member: He'd have to answer the question then.

Hon. Mr. Davis: Mr. Speaker, you're quite right, I should. It's just that sometimes the interjections are more fun than the questions. And on occasion, they're more relevant.

Mr. Wildman: They're more relevant than what you're saying.

Hon. Mr. Davis: What was it the member did ask? How come there is a certain amount of acreage that may or may not be potential industrial land?

Mr. S. Smith: Why don't you buy some useless land that was useless from the beginning?

Hon. Mr. Davis: I think that as one looks to the future there may be a portion of that land that isn't entirely appropriate for industrial use. When one takes into account the potential future value, the price the province has paid, the desirability of having, if possible, buffers between industrial parks and other forms of development—

Mr. S. Smith: A wildlife sanctuary.

Hon. Mr. Davis: —there was perhaps some merit in the initial acquisition.

Mr. Cassidy: It was an incompetent decision, incompetently handled.

Hon. Mr. Davis: If the hon. member is saying that maybe not all of this land will find its way into industrial use, I won't deny that. I'm not a planner; I'm not an expert. I would only say this doesn't lessen our commitment to have significant industrial growth take place in eastern Ontario and I'm sure the hon. member has to be in support of that, whether he likes it or not.

Mr. Conway: Supplementary, Mr. Speaker: entirely in support of the last part of the comment by the hon. Premier, I would ask further what specifically the government under his direction will offer to the people of eastern Ontario in terms of future dollars to proceed with this industrial showcase, even if to some limited degree? What moneys will he be putting forward—if I might refer to the article about which he made some reference—to take this industrial showcase project off the Treasurer's back burner?

Hon. Mr. Davis: Mr. Speaker, I wouldn't say that the Treasurer has front and back burners. The Treasurer of this province has all of his burners functioning, thank heavens; unlike some of the members opposite.

Mr. S. Smith: He is probably getting burned by them.

Hon. Mr. Davis: Mr. Speaker, they do interject. They really provide me with opportunities.

We will move ahead with Edwardsburgh, I can assure the hon. member.

Mr. Wildman: Give us a date.

Hon. Mr. Davis: As to the direct question into the form the plans or the incentives will take, I think the member, being a relatively intelligent individual, recognizes that there has to be, as well, some viable economic operation that we can certainly do our best to attract, to promote, to make certain economic considerations available.

But at the same time, there has to be some desire on the part of industry to locate in that geographical location.

Ms. Gigantes: The Minister of Industry and Tourism (Mr. Bennett) should resign.

Mr. Cassidy: You have nothing but words.

Hon. Mr. Rhodes: Boy, you should talk. You're old marble mouth.

Hon. Mr. Davis: Mr. Speaker, they really are being very impolite over there this morning.

Mr. Cassidy: With justice.

Hon. Mr. Davis: Here I was trying to be a little helpful with a problem that the members may have and this is the kind of response I get from them.

Mr. Cassidy: Our problem is with the Premier and his government. That is the problem of the people of this province as well.

Hon. Mr. Davis: I know the member's campaign is not going very well but he shouldn't get frustrated. There's lot of time yet. He has two months to put it back in shape. I can assure the member that we will do our very best to see that it is, in fact, an industrial showcase.

Mr. Lewis: Why doesn't the Premier make a contribution and put his money where his mouth is?

Mr. Cassidy: Supplementary.

Mr. Speaker: You've already had three supplementaries and you didn't even have the floor.

Mr. Cassidy: But no official ones.

Mr. Sterling: Mr. Speaker, despite what some of the people in the opposition might say, the people of my riding in south Grenville are satisfied that this government is going ahead. Due to the fact that the Ontario Land Corporation, the township of Edwardsburgh, the CNR, the CPR and the National Harbours Board own 800 acres of the 1,000 acres and all of the waterfront in the industrial area number one as outlined in the Dillon report, I would like to ask the Premier if he would undertake to tell the people of south Grenville that this government will look into acquiring two additional parcels—

Mr. Kerrio: Get the hook.

Mr. Wildman: I thought it was just Bennett who talked this way.

Mr. Sterling: —of approximately 100 acres to round out this total 1,000 acres.

Mr. Breithaupt: He would be off his rocker to do that.

Hon. Mr. Davis: Mr. Speaker, the hon. member, unlike the members opposite, has some real knowledge of what is involved. He recognizes the great potential, as do the people in the communities that he represents. As he said, they are completely assured that the government intends to move ahead with this significant project. He does point out that there are a couple of strategic parcels of land that could relate to the initial phase of this development, land which the people of that area feel the government should consider adding to the first phase. I think it's encouraging to have a local member who is so knowledgeable, so aware and so concerned about his constituents. Certainly, the government will take a look at it.

AVIATION SAFETY

Mr. Foulds: Thank you, Mr. Speaker. I have a question of the Minister of Transportation and Communications. Has he yet asked for and has he received a copy of the federal Department of Transportation's study into airline safety in northwestern Ontario? If he has, does it confirm the stories of overloading, rigged logbooks et cetera, as reported in the press? Is he prepared to ask the federal government for a full-scale public inquiry into air safety in northwestern Ontario at this time?

[11:15]

Hon. Mr. Snow: The answer is yes, we have asked for a copy of that report. The next answer is no, we have not received it and have not been able to ascertain at this time whether we will get a copy of that report or not.

Mr. Foulds: Supplementary, Mr. Speaker: If and when he gets a copy, is the minister prepared to use the authority that he has under the Ontario Airports Act to cancel any leases or agreements that he has with carriers who are named in that report as violating the air safety regulations, and cancelling those leases on airports that he runs in northern Ontario with those companies that are named as violating the safety regulations?

Hon. Mr. Snow: First of all, Mr. Speaker, we are attempting to obtain a copy of the report. We have been in touch with the Hon. Mr. Lang's office two or three times during this week and I believe the latest contact was

either yesterday afternoon or this morning. We still have not got an answer. I am most anxious to see that report if Mr. Lang will release it.

Mr. Foulds: Ask the Globe and Mail for their copy.

Hon. Mr. Snow: The first thing I will do if I do get the report is read it, then I would be in a better position to comment on the balance of the question. With regard to the recent amendments to the Airports Act which do allow us to enter into leases with operators on airports operated by the ministry, I am not aware at this time of any leases that we have entered into. There may be some in the preliminary stages but I will certainly look at that aspect.

Mr. Wildman: Supplementary: Could the minister, when in contact with his federal counterpart, request a report to confirm or deny the press story that two jumbo jets almost collided over Sault Ste. Marie?

Hon. Mr. Rhodes: They have already denied it.

Hon. Mr. Snow: Mr. Speaker, I also have read that press report regarding a so-called near miss or near hit, whatever it might be called, at Sault Ste. Marie. As one who spends quite a considerable amount of time in that air space myself, I am very concerned with regard to that. The stories we have heard to date are conflicting. I am sure this matter is being extensively investigated by the federal ministry and by the two airlines involved, who I am sure are also very concerned. I feel this should be looked into very carefully and the association of controllers and the Airline Pilots Association should also be involved in seeing what this problem was.

It is not the first of these instances we have heard about and I am quite sure it won't be the last, but it may not be exactly as it has been reported either. Although I, as the hon. member I am sure knows, have no jurisdiction in this area, I am most interested and will obtain whatever information I can.

OHTB BUS LICENCE

Mr. Haggerty: I would like to direct a question to the Premier as it relates to the possibility of loss of jobs to Gray Coach Lines: Has the cabinet arrived at a decision to rescind a previous decision of the Ontario Highway Transport Board on November 22, 1976, that allowed rights to Eastern Canadian Greyhound lines' Stock Bros. Bus Lines to operate services over three major profit-producing Grey Coach routes in southern Ontario?

Hon. Mr. Davis: No, Mr. Speaker, we have not as yet.

Mr. Haggerty: Supplementary: When can we expect a decision?

Hon. Mr. Davis: Just as soon as possible.

Mr. Eakins: In the fullness of time.

Mr. S. Smith: You're bleeding the company in the meantime.

TRUCK LICENSING

Mr. Philip: A new question of the Minister of Transportation and Communications: Can the minister inform the House of how many new applicants for R licences have been heard by the Ontario Highway Transport Board since the minister made his statement concerning the need for moratoriums on October 21? Can the minister tell us how many new licences have been issued and how many have been denied in that six-week period?

Hon. Mr. Snow: I will get that information, Mr. Speaker.

Mr. Philip: By way of supplementary: will the minister—and perhaps he can give this information early in his estimates next week—also supply us with a comparison with the number of new applicants in a similar period last year and with the number denied during that six-week period? There is a general feeling in the industry that there is no moratorium taking place right now on our licences, other than the normal slowdown that takes place at this time every year.

Hon. Mr. Snow: I will also ask the chairman of the Highway Transport Board for that information. But I would point out to the hon. member that in my statement to the House, I believe I specifically stated—at least it is certainly my feeling—that I cannot prevent any individual from making an application. I believe that the so-called moratorium I asked the chairman to impose, cannot be imposed on applications.

PETITION

ROMAN CATHOLIC SCHOOL BOARD OF CARLETON

Ms. Gigantes: I am sending to the Minister of Education (Mr. Wells) a petition signed by parents who are electors of the Roman Catholic School Board of Carleton against amalgamation with the Ottawa Separate School Board. It is signed by 248 ratepayers.

ACTIVITIES OF OPP

Mr. Foulds: Does the Speaker want me to raise my dissatisfaction at the end of the routine proceedings?

Mr. Speaker: Do it now.

Mr. Foulds: I would like to give notice of my dissatisfaction with the answer of the Solicitor General to the supplementary questions I asked today with regard to OPP plainclothes security officers.

Mr. Speaker: Give your written reasons to the table as soon as you can.

REPORTS

STANDING ADMINISTRATION OF JUSTICE COMMITTEE

Mr. Philip from the standing administration of justice committee presented the committee's report which was read as follows and adopted:

Your committee begs to report the following bill without amendment:

Bill Pr4, An Act respecting the County of Peterborough.

Your committee begs to report the following bills with certain amendments:

Bill Pr10, An Act respecting the City of London;

Bill Pr20, An Act respecting the Township of Georgina.

ORDERS OF THE DAY

(House in committee of supply.)

ESTIMATES, MINISTRY OF CONSUMER AND COMMERCIAL RELATIONS

(continued)

On vote 1401, ministry administration program; item 1, main office.

Mr. Warner: As I recall, we left off rather abruptly last time at a point where I was asking some questions pertaining to inquiries, using, as a specific example, the aluminum wiring inquiry. I was really wanting to know how the minister perceives that any inquiry under the direction of his ministry should proceed. I chose the example of aluminum wiring because it's current and because I'm quite concerned about how that inquiry has been going. I take it that it's general policy to set up a fairly wide scope for an inquiry, and in the case of the aluminum wiring, the ground rules were pretty broad. I understood that it allows for opinions to be rendered, information to be tabled, as well as expert advice.

What I'd like to know is, if that's the case and the minister becomes aware that the

rules are not being adhered to—the rules which he set up for the inquiry—what does he see as his alternative? What should he do in the midst of an inquiry, in the middle of it, before it's completed? What should he do then?

Hon. Mr. Grossman: Firstly, I think we should understand that as is the case with, I think, all inquiries of this nature set up by government, regardless of the ministry, we set out the rules for it; the scope of inquiry, really; their mandate. The inquiry then goes on to retain counsel and so on.

On some occasions, some people may have doubts with regard to the progress of the inquiry, those hired and how they are conducting themselves. I recall, for example, when I was on the committee on the Ombudsman, there were—and still are, I suppose—a lot of questions raised with regard to whether or not the hearing set up to deal with the North Pickering landowners in fact was as wide as was intended and whether the counsel hired for the inquiry was, in fact, not restricting the scope of the inquiry more narrowly than intended because of his own interpretation of the criteria set down.

That's always a risk. In those cases in which we have an inquiry set up to deal with a matter, we really hope not just to cover some territory, but to satisfy the public. This is a greater mandate, I suppose, than just filling the bounds of those words set out. It's clear to us in reviewing some of the transcripts that they appear to be covering the appropriate territory. They appear to be going at all the areas of investigation requested in the terms of reference.

I would agree that we cannot get involved, and I think the member would agree we ought not to get involved, in calling up counsel and telling counsel to the inquiry how he or she ought to behave on a day-to-day basis. If I call on a day-to-day basis, or indeed irregularly, then I'm intervening at some stage, not having sat through the entire inquiry. We have to retain the best counsel we can and hope that counsel will do the job he has been hired to do, within the terms of reference of the committee, with all the training that his legal background can give him. Obviously I can't ensure that in each case, in each inquiry, counsel conducts himself or herself as I might, as indeed the member might or as indeed the member might prefer counsel to.

By and large, I want to say that in this matter we have gone over the transcripts; it appears to be covering the appropriate territory. Whether the member thinks the counsel in this case has been unduly restrictive becomes at some stage a matter of opinion.

Counsel obviously thinks he has not. I might say the commissioner, Dr. Wilson, obviously thinks he has not. At this stage I think it would only be appropriate to have the inquiry complete its work. That's the only thing that we can and will do at this time.

It's quite open to the hon. member, or indeed myself, to reflect upon the scope when the committee comes in and the report is in. If the hon. member is not satisfied at that time with the results of the hearing and wishes to draw to my attention, and the attention of the public, certain facts about what the commission did and did not look into, then that's not only appropriate but indeed that's what the member is here for.

[11:30]

You will recall, of course, that this is like all inquiries; it is set up to investigate something and report to us. Whether we are talking about, for example, the Robarts report or the aluminum wiring report, obviously the action the government takes depends upon a lot of factors. One of the factors affecting what we will do afterwards, obviously, will be some reflection upon the scope of the inquiry and how it has gone.

I want finally to say, as I said earlier, that my concern is not simply that the words and letters set out in terms of reference have been followed and followed appropriately and within legal bounds and by good legal counsel, all of which I think is the case—we have a larger concern when we are dealing with something like this, something which the public is concerned about. The public must feel and know that their concerns have been dealt with and dealt with adequately. There is no point, in my opinion, in having an inquiry unless the public is satisfied that the inquiry has been full, far-reaching, and fair.

As a result of some of the concerns brought to my attention, we have had one discussion with Dr. Wilson and will have another one next week. We are not—and I want to make it absolutely clear—we are not about to tell him how to run the inquiry. We are not about to suggest that it has not been run properly. That is a practice we will not get into.

I think it is appropriate, though, that we express some concerns, much like the concerns I have expressed this morning to Dr. Wilson, so he will know of our concern and, indeed, your concern and the concern of the public.

Finally, I have to repeat that we see nothing in their progress that indicates they are not fulfilling the mandate they have been given or that their counsel is not acting properly. The concern has been expressed, and

I am sure Dr. Wilson is well familiar with that.

In all of what he might feel to be his justifiable concern with regard to the progress of the inquiry, I am sure the member will remember that he would not want us to establish a precedent, nor should we, of intervening in the day-to-day running of it, saying, "You should have heard this witness or you should not have heard that witness."

It is to avoid precisely that sort of overtone that the hon. member and others in his party and in my party and in the opposition often ask for independent inquiries and royal commissions. So you get it out into the hands of professionals who are going to do that and do it within certain bounds.

After it is finished, we will assess the progress and it is quite free to the member to comment at that time.

Mr. Warner: With respect, you haven't really answered my question. I mean, what happens after the inquiry is completed and you become fully aware that your terms of reference were not adhered to? What do you then do?

Hon. Mr. Grossman: Looking at any of the other examples—there have been a lot of them in government—I can reject it entirely. We can reject the report entirely. We could accept the report entirely if we were satisfied, conversely to what the member suggests. If we are satisfied, obviously, we can adopt the report.

If it is somewhere in the middle, we have many courses of action. We could have a further study done within the ministry on the basis of the research done by Dr. Wilson. We could conceivably appoint a select committee. I want to flag right now that that is not high on my list of alternatives.

We could, indeed, ask for a new inquiry to further two or three matters, if there are two or three matters that may not have been covered or not have been covered sufficiently. We could ask the same people to review two or three items if they would be willing to do so as a result of any of these comments. So I have no special suggestions to offer the member. The member can suggest some alternatives that we might follow at that time.

Again, I would urge the member to keep in mind my remarks with regard to attempting to assure the public that this round is being held widely and fairly. In that regard I would rather see us discuss alternatives if, as and when, and only when, there is some dissatisfaction with the ultimate report. I would urge the member to wait until we get

the report; maybe he will be pleasantly surprised.

Mr. Warner: I hope so. Your concern is what it should be, that the public will have had a full and proper inquiry. That is why I find it very disturbing when I learn that some testimony is rejected because it comes from "a housewife." That really bothers me. You set up a public inquiry, which, I assume, is to invite the public to inquire of the matter before the group that is appearing. Therefore, the public is fully entitled and right to raise concerns and to offer opinions, unless the persons happen to be housewives. That really I find disturbing. Perhaps you can give me an answer to that. Beyond that, I would like to know what involvement Ontario Hydro has had in this whole business in terms of the inquiry. Has it had a lawyer present at each of the hearings? Has the lawyer for Hydro been cross-examining witnesses? I use the term "cross-examining" because I assumed that a public inquiry should not have cross-examination, in the legal sense as we understand it applies to the courts, but that term was, in fact, used by the counsel for the inquiry. When an elected municipal official approached the inquiry to give information, she was then requested to be cross-examined by the counsel of the inquiry. That procedure concerns me as well.

I have raised previously the matter of Ontario Hydro with the minister. I would like some explanation as to its involvement in this whole inquiry because I feel very uneasy about it. Ontario Hydro has something to protect. It would seem quite reasonable that Ontario Hydro could face substantial losses on virtually every house fire in aluminum-wired homes since 1968, should the inquiry find that aluminum wiring is defective and is the cause of fires. Then, obviously, Ontario Hydro leaves itself open to some substantial losses, so it obviously wants to protect itself. Such being the case, I would think it should have a very limited role in terms of the inquiry. That is, it should come and present evidence, as anyone else should be able to do. It should present its views and its opinions, as even a housewife should be able to do. But, beyond that surely—

Mrs. Campbell: What do you mean, "even"?

Mr. Reid: He is being facetious.

Mr. Warner: If you were following before, I'm using it facetiously in terms of what I had raised with the minister, because housewives, it appears, are not particularly creditable people in the eyes of the inquiry. It is considered wrong, absolutely dead wrong,

when a housewife says, for example, as Mrs. Elizabeth Clair did, "Weird things happened: lights in house at low power; when the oven switched on, light in the other part of the house went on; when upstairs light was turned on, burner on the stove would heat up, very dangerous if a cloth was left across the burner; clocks went at a slow speed."

There may be explanations for all of that that are not connected with aluminum wiring; agreed. But surely Mrs. Elizabeth Clair has the right to come in front of an inquiry and tell it what she knows from her experience. She is not an "expert" in aluminum wiring. She is a housewife.

I don't want to take up the time of the committee unduly, but I would stress again with the minister that I think it's extremely important for us to know precisely the role that Ontario Hydro has played in the whole inquiry and whether or not the minister views the role that Ontario Hydro has played to be fit and proper. Has there been legal counsel there? Has that legal counsel been cross-examining witnesses in front of the inquiry? Is that a proper thing to do, or does that process really lie with the counsel for the inquiry rather than the counsel for Ontario Hydro? Having posed those several questions, I'd like an answer.

Hon. Mr. Grossman: Yes, it's precisely because the member and I may differ with regard to some of the speculation, for example, on the role of Ontario Hydro, that you do set up the inquiries and appoint counsel. That's one of the good reasons you appoint counsel, to help with some of these difficult determinations and what role each interested party is going to have and through what vehicle. Cross-examination or submission, affidavit, non-affidavit, expert evidence, non-expert evidence—all of those considerations are a part of the responsibility of counsel.

In the case at point, I can only say to the member it's not that different from other inquiries set up by the government. You set them up, this is the mandate, this is your budget, hire staff and do the job. You and I will disagree, perhaps—I'm not saying we do, but you and I may disagree—on some of these items, such as the role of Hydro.

The question is, would the member anticipate a situation in government where, when a discussion occurs on the floor of the House or by way of exchange of letters between a member and a minister, there ought to be some intervention by way of the responsible minister getting hold of counsel and saying, "I really think you ought to hear so and so," or indeed—to take an example, and I want to make it hypothetical so it doesn't come out

any differently in Hansard—"I think that Hydro should or should not be entitled to counsel"? That would be highly irregular and, I think, inappropriate for government to get into. That sort of decision, that sort of value judgement should occur after the fact, when they've reported.

You may rise and say, "You would have had a different outcome had you had or had you not had the input of Ontario Hydro," just to take a specific example, but I don't think you would want a situation where I was on the phone regularly or irregularly to the counsel or the commissioner telling them how to run the inquiry. I think it's our responsibility to appoint them, set out the criteria, the mandate, and fund them; and perhaps from time to time to express a general concern.

I think it's fair for the commission to be aware of a concern I have or that you have and, indeed, the commissioner is no more entitled to have my concern than yours. I don't look upon my concern as being any better, more important or more persuasive than yours. I think it's the concern of every commissioner appointed to be aware of the climate within which he's asked to study something, and if there is a public concern, I can tell you right now, I'm not expressing to Dr. Wilson anything more than the fact that there has been expressed to me a concern.

I'm not asking him to satisfy me at this time. I'm not asking him to make any changes at my direction, but I think he's entitled to have the information that's been brought to my attention with regard to a concern. Any more direct intervention by me would leave it quite open to not only you but the public you represent and others to say, "Hey, this thing would have come out differently had the minister kept his darned political hands off it."

[11:45]

I think it's very important for the integrity of the inquiry and its report, whether you agree with it or not in the end, that they be in a position, and it's important for the integrity of the commission to be in a position to say, "Of course, I had no direction or instruction or intervention by the minister or by any other person in government telling me where to go or what to do." Again, that's one of the prices you pay in a sense for putting it out there and having an independent board do it. It's just that; it's independent.

I'm going to ensure that commission remains independent and all others we may appoint from time to time. Their independence is the key to the validity of their report. Whether you agree with their report or not is totally

open for debate at the end, and we'll debate it at that time. That will deal with your question with regard to Ontario Hydro as well. It just is not going to be appropriate for me to tell Ontario Hydro they can or cannot participate.

You've asked with regard to the extent of their involvement. When we get to the vote—I think it's 1403—which is the proper vote under which the aluminum inquiry lies, that will be the appropriate time to get some specifics. By the time we get to that vote, particularly at the rate we're going, I'll make some inquiries and find out, for example, how many days they've appeared, if they have appeared, and whether they've had counsel. I'm sure that's something you can get just by asking, but I'll be happy to get that information for you. I think it's fair of you to ask it of me and, when we get to vote 1403, I'll give you those specifics. Having said that, you know how I feel about retaining the independence of the commission.

Mr. Warner: Recognizing that your concern can certainly be as great as mine, since we've been discussing this for a few minutes, I don't know why we have to shuffle it off for another vote. I simply wanted to know—and maybe you don't have the information handy—if counsel were there from Ontario Hydro and if they had been cross-examining witnesses—I think that's extremely important—and your judgement on that. Once an inquiry is set up, it should be independent and it should operate independently, but surely you have some opinion as to how things are going and that's very important.

I raise these matters because the whole business of aluminum wiring and the inquiry that's been set up are extremely important. With the concerns which I've expressed this morning, surely the minister realizes he has the possibility of having a failure in terms of that inquiry. If the ground rules aren't met, if the kinds of things which I've mentioned this morning have occurred, then when all is said and done, the inquiry is not particularly valid. Then you have to start over again and go through that lengthy process.

In the meantime, there are thousands of people who are quite anxious about their homes because they have aluminum wiring in their homes and they don't know, quite frankly, if those homes are safe. They want some answers. That's why the inquiry was set up in the first place. That's why I think if something is going wrong, if the inquiry is not proceeding properly at this point, you have an opportunity to rescue it rather than see it through to its conclusion, find out it's a failure and have to start over again. I just see that the lesser of the two evils in this case

is to try to rescue the inquiry at this point. That's why I think it's crucial to know, for example, the extent of the involvement of Ontario Hydro, not that they should not be involved but just the extent.

I don't happen to think they should be cross-examining witnesses. They should be there as anyone else would appear, to offer information, expert advice or whatever. They should come as anyone else would come to that inquiry and let the inquiry which has a right to, and, I would assume, would retain counsel, because that's needed—let counsel for the inquiry do the questioning. It's the procedure I'm raising with the minister. I am asking him if it's possible for him to give me the answers on those items. Later on when we come to the vote will be fine. I just want to be assured I'm going to have those answers; that's all.

Hon. Mr. Grossman: The reason I suggested we go to 1403 was that you might want specifics of the numbers of days Hydro's been there and what they have cross-examined on, I know you wouldn't expect me to have it right here, but by the time we get to that vote I would undertake to have it. Having said that, my efficient staff is so good that they have been able to supply me with some information for you and I want to tell you—

Mr. Warner: They are always able to prop you up.

Hon. Mr. Grossman: They are doing a good job so far.

Mr. Warner: They are.

Hon. Mr. Grossman: I understand Hydro is there only part-time. To the best of our knowledge they have not been cross-examining so far. Whether they have asked for the right and not been given it, or not asked for it and therefore it is still open, I don't know.

Regardless of what the status is, I do want to repeat that I am not going to interfere in the procedure. That is up to counsel. It is up to the commissioner. If you have comments on that, I would say to you that perhaps it might be better to let it go until we get the report in. The more furore that is apparently raised, whether it is valid or not, the more it may inhibit a successful conclusion in terms of encouraging more people to come forward. As I said earlier I want everyone to come forward who wants to, so that we will have as complete a report as possible.

So we will get some of those other specifics for you at that time within the ground rules. As I have said, I am really not going

to interfere. I think their independence is important to the validity of the report.

Mr. Blundy: Mr. Chairman, I want to raise a matter in which a number of concerns have been expressed to me and to some of my colleagues in one area of work under the jurisdiction of the ministry. That is the concern that has been expressed by people involved in the industry with regard to the suggested possibility of withdrawing or reducing services of inspection and so forth on the manufacturing of boilers and pressure vessels and the pressure piping that goes with this sort of installation.

It has been suggested that if the quality of the inspection and the time spent on inspection is reduced, it will affect us in several areas. I am thinking of the quality of the products, not only for the use of the people and the industries of Ontario but how this will affect our possibility of doing business in the United States and other countries in the world as it affects Ontario manufacturers.

I have had some representation made to me by the Oil, Chemical and Atomic Workers Union. As you know, pressure vessels and boilers and piping and that sort of thing are a very common part of the industries in my riding. We all have to have absolute faith in the manufacturing of them and the operation of them.

I want to ask the minister if the ministry is considering eliminating or even reducing the present facilities and personnel for inspection? If he is contemplating that, I would like to hear the reasons they would have for bringing this in. We in this opposition party are most anxious to reduce expenditures of any ministry and to cut out anything that is not of need and value to the people of Ontario. But I certainly question whether this is one of those cases. I would like very much to have the minister give us the views of the ministry in this very important field.

Hon. Mr. Grossman: Yes, as I confirmed yesterday in question period—and there was no secret about it because industry certainly knew about it—we are once again looking at the question of reducing our involvement in this area. It is something that indeed has been around for a few years. The ministry considered it a few years ago and chose not to go ahead with it at that particular time, because of some very good reasons brought to their attention by industry at that time.

We must be aware that the situation is getting to be more crucial because of the

great growth in the use of nuclear products. This means that our inspectors, of whom we have 35, need substantial retraining and upgrading and new education in order to deal with nuclear installations. Only eight of our 35 now have any sort of technology or qualifications to look into and properly inspect the nuclear installations. Obviously, we are going to have to increase drastically both the expertise of other inspectors and the numbers of inspectors if we are to stay in the field.

I think we should confirm that we are not about to say that boiler inspection is not going to be required. We are not saying that at all. What we are saying is, should government have the full and complete responsibility for certifying all of those installations? Or should we move to a situation where our people are carrying on with an auditing and monitoring role while people in the private sector are carrying out the inspection functions, getting paid for the responsibility they take in certifying them, and getting paid for the training and expertise they will have to acquire?

It seems to me to be my responsibility to the taxpayers of the province to look not only at this area, but all others areas where government is performing a service. Other than certifying with regard to safety, we are going farther than that in the sense that we are providing a service. We are going out there and doing the field work, we are training people to do that field work, making recommendations on the site with regard to what will be acceptable, and finally putting the stamp on it as approved. That carried with it, of course, governmental approval.

Should the taxpayers of this province be involved in all sorts of those types of activities? If you think about it, there could be an argument raised for our getting into all sorts of new fields where safety is involved. A good argument could be presented for our setting up a whole lot of inspectors, training them and sending them out to certify dozens of products, dozens of installations, in all sorts of fields, as having been approved as safe by government.

That is a precedent we don't want to establish, especially in an area in which there is an alternative. There are many jurisdictions in which those who are insuring these products, and those, who are installing them and those who are buying them, have jointly got together to see that there is an inspection carried out, a service they can purchase. I am thinking now

especially of the insurance companies that have set up, in many jurisdictions, an inspection vehicle. Inspectors go out, do the inspection, and I tell you the inspection in those jurisdictions is likely every bit as good as the inspection carried on by my people in my ministry.

It is an inspection which is a pure function of training. There is nothing special about having those trained people working for government rather than for a private company. Where we can go into privatization, we can move it out into the private sector without reducing one whit the amount of protection provided to the public in terms of the inspection and the safety of those products.

Where that can be done, as well saving the taxpayers a good deal of money, then I am sure the member would agree with me it would be incumbent upon us at least to investigate, to see whether that sort of move into the private sector is appropriate. That is, can it be done as safely as we suspect it can, because in most cases it would be the same inspectors, I expect, but working for someone else.

Secondly, can it be done less expensively for government? I think the answer to that is probably yes. I think it is my obligation to study that. While we study that, the industry can be well assured that we are not about to move unilaterally, and it is not about to happen tomorrow or next week. Discussions have been going on and that's why it has been brought to the members' attention, quite appropriately, by those who are concerned. They are well aware of it.

The next meeting we will be having with industry is sometime next week, I believe, at which time further discussions and comments will be exchanged with regard to the pros and cons. Industry has made some very good points.

The point the member makes this morning with regard to their ability to sell these products outside of the country, without having something indicating the government stamp of approval is a point that is well taken.

[12:00]

I should add that we are also aware there are some jurisdictions which don't have government stamps of approval, as it were; where similar products are made and there appears to be no difficulty in selling them. While it's a very valid concern, in the sense that I suppose someone who has always been buying from Ontario suddenly sees the government stamp of approval disappear, I

would want to satisfy myself that it is as real a concern as it appears to be.

Those are the variables that are being turned over right now. I can assure the member it's not going to happen quickly; but yes, we're looking into it. It's something we think we're obliged to look into within the confines of what I've said. There will be no decrease in public protection at all, and probably less cost to the taxpayers of the province; but unless we can do that without causing a situation where industry is adversely affected in terms of its sales viability, then we wouldn't go ahead. Whether we get out of it a lot or a little, or begin to phase out or whatever, those matters are all up for discussion now and industry is being consulted on literally a day-to-day basis to hear what it has to say about it.

Mr. Blundy: I am reassured a bit, Mr. Chairman, that industry is being considered as a partner in the discussions with the ministry on its move to withdraw or reduce its inspection services. However, I want to repeat to the minister, and to you Mr. Chairman, that the products concerned are of vital importance to our industries and to our economy and it could be a very hazardous thing if the inspection is not continued.

I personally believe that the people who are involved in manufacturing for export are very much concerned about having that stamp of approval of the province of Ontario on the product. That, over the years, has grown to be a very respected and very highly thought of approval. I just want you to know that people in the industry, particularly many of the people who are involved in the various unions, who are working in industries where these sorts of things are used very widely, are concerned about it. I would like the minister to keep us informed about just what the negotiations are and what the pros and cons are that are put forward in this matter, because I really believe it is something of concern to the people of Ontario.

Hon. Mr. Grossman: We'll keep the member informed, of course, as the discussions continue.

Mr. Ziemba: I know the minister is fairly new on the job, but from what little I know about him he learns fairly quickly. I wondered if he's noticed the growing trend on the part of the bars and taverns in this province to cater to the teenage market. Where previously these outlets would feature jazz and traditional singers, we now have open pandering to kids. It's no secret that young people 15 and up do the rounds quite regularly and, in fact, the dramatic increase in alcohol-related

automobile accidents involving teenagers is a direct consequence. The Liquor Licence Board, I believe, has the responsibility to provide some leadership in this regard. I wonder what your ministry is doing by way of charging establishments with selling to underage teenagers, what steps you are taking to prosecute these bars and taverns, and also how many licences have been cancelled over the last few years or this very infraction?

Mr. Chairman: I am just wondering if some of those specific questions should come under a later vote. This is main office and it is on general policy.

Mr. Ziembra: This is general policy, Mr. Chairman. Perhaps I will wait for my answer under the general vote. I have another supplementary.

Now that we have the body rub parlours going underground, I wonder whether the minister has noticed that we seem to have gone full circle again and the emphasis is back to topless waitresses. More and more bars are featuring topless waitresses.

I ran into Mr. Juli Troll of the bartenders' union at the OFL convention yesterday and he told me the board just looks the other way as far as the degradation and exploitation of women is concerned. I wonder if the minister is prepared to provide some leadership in that regard. If he finds that the board is indeed gutless, perhaps he would consider bringing back Chief Mackey, who took a hard line on that particular practice.

One more supplementary: Just to get away from this degrading aspect of tips that the Minister of Industry and Tourism (Mr. Bennett) is always throwing up, why doesn't the minister provide some leadership? He is a new minister and he could really make his mark by providing some leadership and going after the Minister of Labour (B. Stephenson) to raise the minimum wage so that waiters and waitresses could get a half decent income without resorting to tips.

Hon. Mr. Grossman: I am not sure which part that last thing will fall under, but when we get to that part of my votes, we can discuss it further.

I adhere to the member's remarks about bringing back Mr. Mackey, who was very fine, I can understand his sympathy. Indeed, he may want us to bring back Judge Robb who, I am sure, the member found to be quite suitable, as we did at that time.

I want to tell him that we will have some of the statistics he asks for at that time, but I think before he accuses the liquor board rather wildly of not caring or looking away, or whatever silly term he used, he should be aware that a reading of the Act will tell him

that the Liquor Licence Board no longer has the power to regulate entertainment standards in licensed premises. It just hasn't got the power to do that.

When you talk about my having some concern in the area, yes, I do have some concern in the area. Happily the Assembly will have the chance, as you well know, to debate the whole matter of liquor, the availability of licences and a whole range of other matters when the whole liquor package gets to the—I shouldn't say liquor package, should I?—the whole question of liquor.

Mr. Cunningham: Did you say "when" or "if?"

Hon. Mr. Grossman: When. Pursuant to the Premier's (Mr. Davis) statement of November 10, which I know you read carefully, when we get the matter before the Assembly sometime in the spring, I believe there will be a rather wide-ranging discussion of these matters; with the end in mind, of course, that that is the forum in which the member may express some desire to change the laws, and may argue that we should have the power to regulate entertainment standards.

I can't pretend to you that I am not concerned about the entertainment that goes on in some of those places; of course I am. At the moment I don't have power in this area. Whether or not we should have power, in view of the fact the Assembly really moved us out of it in 1975 with the new Act, is a matter for the Assembly.

When we get to the liquor vote in our estimates, we may wish to discuss the whole matter of what powers we ought to have, rather than the powers we do have. With the powers we do have—I have just told you what they are—we just can't move on entertainment standards. Whether we should I would be pleased to debate with you when we get to that vote, or indeed in the spring.

Mr. Davison: Mr. Chairman, on the subject of liquor, before we leave it until later, I would like to raise with the minister the problem presented to this committee by the position of the LCBO. I understand they don't fall within the vote of the Liquor Licence Board but rather are an independent section loosely connected with your ministry that doesn't really fall into your estimates. In that sense how, when and where will we be able to discuss the Liquor Control Board?

Hon. Mr. Grossman: If you want to discuss something such as Liquor Control Board stores, you won't find it in my estimates. If you want to discuss liquor policy generally, licensing, enforcement and even the drinking age, it may be an appropriate subject—I direct this to the chairman of the committee—to

discuss it under my estimates. I can't tell you that Liquor Control Board stores, their policies and their outlets, come within my estimates, because they don't.

Mr. Davison: Mr. Chairman, my concern is in the field of the purchasing procedures followed by the LCBO, in regard to the fact that they fail to use the central purchasing agency of the government of Ontario, the Ministry of Government Services.

Mr. Chairman: I think the minister just said this would not come under these estimates. I have just been informed it is a Crown agency.

Mr. Davison: And therefore comes under nobody.

Mr. Chairman: And therefore does not come under these estimates.

Mr. Davison: What I want to raise with the minister, if I might, Mr. Chairman, is what I have raised with the Minister of Government Services (Mr. McCague), namely, that the Minister of Government Services sit down with the Minister of Consumer and Commercial Relations, and possibly with somebody from the LCBO, to talk about that problem with the LCBO.

I am wondering, while we are on the subject of policy, if we could perhaps get from you a commitment to involve yourself with the Minister of Government Services in that issue.

Hon. Mr. Grossman: I am not sure I can be helpful to the member, except that I wouldn't like him to think there is nowhere he can go. I will pursue it with the Minister of Government Services and get back to you, saying we can or we can't and this is the route you might follow. I will try to help in that respect.

Mr. Davison: Thank you. That is the commitment I would like from you. Finally on the administration program, I want to raise a question about the relationship between the ministry and the Provincial Auditor. Will that fall under financial services or audit services, or under the vote we are currently on?

Mr. Chairman: It sounds to me as if it would be under audit services, item 7 of this vote.

Items 1 and 2 agreed to.

On item 3, supplies and office services.

Mr. Warner: This is my opportunity, I suppose, to raise again the business about aluminum wiring?

Mr. Chairman: No.

Mr. Warner: I'm sorry, I haven't got a book in front of me. We are still on vote 1401, I take it?

Mr. Chairman: We are still on vote 1401, item 3.

Mr. Warner: My apologies, Mr. Chairman. Item 3 agreed to.

On item 4, personnel services.

Mr. Davison: I am concerned about the questions that were raised in the last estimates, and really never answered to my satisfaction, in regard to the hiring policies of the ministry and its various branches, and connected organs and elements. I was particularly concerned about the fashion in which the rent review program set about hiring its staff through Drake Personnel. I wonder if you could explain to me if that is, as I hope, a total oddity and something that occurs nowhere else within your ministry? [12:15]

Hon. Mr. Grossman: We are not about to tell you anything that you won't find in last year's estimates. All management staff is contract and they are not from Drake. The bargaining unit people do come from Drake. That frees the management end to look after the administrative part of the program and, in fact, as I think it says—I recall I think I sat through the estimates last time—that means that in essence it is cheaper to buy that service from Drake than it would be if our administrative staff in a short-term program undertook all of the personnel and day-to-day operative and hiring procedures and set up something to do it themselves.

I think we have only two complement positions in rent review. So with regard to Drake—in fairness, I am not about to add anything that was not set out last time—we buy from Drake that sort of administrative overhead cheaper than we think our management people could do it themselves. As you know, the situation would not have changed much from the initial hiring to the present time, because obviously the program is in place and, if anything, the numbers have been reduced.

Mr. Davison: I understand what was in the debates of the estimates last time. I do not know how short-term the rent review program is—I do not have the same crystal ball the ministry has—but my concern was not so much with the rent review program, which I think I understand, but with the rest of the ministry and all of the odd little groups, organizations, et cetera, that come within the confines of this ministry. Are there any programs or any other places in your

ministry where you follow the procedure that was followed in the rent review program? Or is the rent review program the only place where Drake Personnel or like companies are involved?

Hon. Mr. Grossman: Generally speaking, no. Obviously, from time to time we may hire an individual person for an individual job through a private agency.

Mr. Davison: Could you expand on that perhaps? Do you deal with one particular personnel agency that you have let a contract to or you have tendered a contract to? Or do the personnel companies approach your office to assess your needs? Could you expand on your comment?

Hon. Mr. Grossman: The main agency we deal with is the one for the government of Ontario, "GO Temp" as it is referred to. From time to time, we also go to other agencies when the need arises. There is no overall policy in this sense. When a particular need comes up where an agency may be an agency most suited to supply that sort of person because of his or her particular expertise, we may go to that agency and ask for its assistance in filling that role.

Mr. Davison: Finally, while we are on the subject, do you use the services of Canada Manpower before you go to these particular personnel agencies?

Hon. Mr. Grossman: The answer is on many occasions we do.

Mr. Warner: Not all?

Mr. Davison: Is there a specific reason for your not using Canada Manpower in all cases? Is there an example of the kind of case you could tell me that would explain that?

Hon. Mr. Grossman: Almost invariably, I am assured, we do check with Canada Manpower. I'm told, to be fair, that there are sometimes cases where a specific skill is sought and the particular Manpower office in that particular part of the province may, to the knowledge of our people, just not have that sort of information on hand to permit them to fulfil the need we're asking about.

I should say to the member it's something that I recall having been dealt with in last year's estimates, and it's something that I'm going to have one more run-through on with regard to just exactly when we do and when we don't go to Manpower.

Mr. Davison: Finally, Mr. Chairman, when the minister does look at this matter, he might consider issuing a directive that in all cases where we go outside government to a private

personnel agency, regardless of how we do it, we first go, in all cases, to Canada Manpower. That way, any potential problem that may arise, or any potential criticism of the ministry that may arise, won't happen, because you'll have gone to Manpower first. I just offer that as a consideration for a policy in the ministry.

Hon. Mr. Grossman: Just so that we'll have the record straight, I want to reaffirm that all our vacancies are listed with Manpower at the present time. With regard to specifically asking, I want to assure the member that it's something that I did recall from estimates last time; specifically, yes, we will take steps to ensure that Manpower is consulted first in all cases.

Item 4 agreed to.

On item 5, information services:

Mr. Blundy: Mr. Chairman, item 5 under information services, is up substantially—significantly, I would say—from the actual of 1976-77. I am not sure just what comes under "information services." I wonder if the minister could tell us. Does this mean the provision of information on existing laws for the protection of the consumers in Ontario, the promulgation of information under the Business Practices Act, how the Consumer Protection Act will protect the consumers, and so forth? Is this the sort of thing; and if so what is the minister going to do to make more information available to the public on how they are protected and how they can protect themselves?

Hon. Mr. Grossman: The member has on previous occasions quite eloquently pointed out some of the problems in letting people know about the Business Practices Act and some of the other consumer protection offered by the ministry. In short, this is information services. It's the key function of this branch to help us communicate with the public with regard to those specific resources that are available to the consumer through our ministry. I recall, for example, that the member quite appropriately pointed out the other day that one of the most effective ways of getting to the public is through television.

One of the major reasons for the increase in the estimates as shown is a series done on OECA. The most recent was on view last night, as a matter of fact. It is a series in which each of the different areas of consumer protection available through our ministry, from motor vehicle to the Travel Act, from insurance onward, each branch was allotted an evening on the program. It's half an hour, and we had the full series running this fall, which we believe has gone reason-

ably well. It's certainly something that is easier for the viewer to consume than some printed material.

This is something we discussed earlier. That is a major part of the increase in expenses as shown in the estimate, and frankly is something that I'm happy about. It's an increase that I think is well justified in terms of not only the OECA portion but everything else we're into.

We talked the other night about some of the publications we were into. I don't think we need to cover that territory again, but if the member would like more details of where we're spending that money in terms of getting it across to the public, I'd be happy to provide it.

Item 5 agreed to.

On item 6, analysis, research and planning:

Mr. Davison: Yes, Mr. Chairman; I would appreciate a further explanation of this program other than the description that appears in my book because, for this item like the last item, the only description is as follows: "This program consists of activities representing the administrative and supporting services for the operating programs of the ministry." I wonder, perhaps, if you could expand a little bit on what you're doing in this particular program?

Hon. Mr. Grossman: Yes, it happens to be not so high profile, but it's a very important part of the ministry. It provides advice and support to the ministry generally, myself, my deputy and the division managers, on all aspects of systems analysis, systems development, data processing and consulting in the ministry. Some of the activities include developing a policy for the organization, use and control of systems resources in the ministry; feasibility analyses to determine future systems and business practices and, for the registrar general, participation in land registration management committee to determine the nature of future land registration systems—obviously something which is something very important—and evaluating mini-computer technology vis-à-vis data conversion needs in the ministry, data conversion for the PPSR system and data capture plus financial recording for the finance branch.

In essence, this program helps us keep up to date with technology, systems, be they computer, information systems or whatever, which will enable us, over the next period of time, to make sure that some of the very complex matters dealt with by the ministry in terms of sheer volume, information, statistics and so forth, are done effi-

ciently and up to date and as modernly as possible. The day-to-day savings of this, obviously, are not shown in any one year but if you have a good land registry system in 1985, if you're able to deal with the registrar general's information efficiently in 1981, it will be because our systems have been currently monitored, reviewed, updated and analysed and also assessed as against current modern technology.

Item 6 agreed to.

On item 7, audit services:

Mr. Davison: Mr. Minister, I was quite concerned about an item that appeared in the 1976 report of the Provincial Auditor. I've raised it with the Provincial Auditor and he's been kind enough to answer what questions I had of him in regard to his involvement in the case. I wonder if you, through your checking with your officials who were there at the time, can offer me some explanation of the involvement of your ministry. It's on page 69 of the report and it's item 96: "Unauthorized expenditures re the Liquor Licence Act, 1975, Ministry of Consumer and Commercial Relations."

The Auditor has, in fact, pointed out the issue in the second paragraph. I might read it to you: "Section 2(9) of the Liquor Licence Act, 1975, provides that 'the expenditures of the board shall, until the first day of April, 1976, be paid out of the consolidated revenue fund.' The 1975-76 expenditure of the Liquor Licence Board was therefore, authorized by statute. The Act, however, makes no reference to the expenditure of the Liquor Licence Appeal Tribunal. As a result, there was no apparent authority for the expenditure of the tribunal for the period ended March 31, 1976. This matter was brought to the attention of the Deputy Minister of Consumer and Commercial Relations. On July 7, 1976 he responded as follows," et cetera.

[12:30]

Of the two areas on which I would like answers, one is how, in fact, did your internal audit miss this? It looks, to somebody who had absolutely no involvement in the problem, like something that should have been picked up fairly easily in the internal audit; because in government we are very careful, before we go out and spend money we look for authority to spend it. It's a reasonably rare occurrence in government when a minister or an agency or a board spends money without legislative authority. It is not something that happens every day.

So that's one area I would like some comments about. How did you miss it internally?

The other area concerns the response of the then deputy minister; is that the same deputy minister as we have now?

Hon. Mr. Grossman: No.

Mr. Davison: Okay, the former deputy minister. What I can't understand is that after your ministry received the comments of the Provincial Auditor, instead of implementing the necessary change, you referred the matter to the legal staff of your ministry. I take it you got some kind of report and then referred it to the legislative counsel of the Assembly for his comments and explanation and understanding.

I was concerned about that and I raised it with the Auditor, because I know the Auditor, on most occasions when there could possibly be any doubt whatsoever as to a recommendation he might make, he always checks with the Attorney General and receives his opinion. I asked the Auditor only last week, or the week before, if he had checked with the Attorney General in regard to this opinion and he said no.

I said, "Well why not? Obviously the ministry thought there was some question as to whether or not you were right, because they went through the process of checking with their legal staff and their legislative counsel. Why didn't you check with the Attorney General?"

Quite frankly the Auditor, in the very plain and simple way that only the Auditor can put it, said, "Well it was as plain as what was written on the paper. There was obviously no need for a legal opinion." I wonder, Mr. Minister, if you could respond on how your internal audit missed this problem; and secondly, why we had to go through the process, I am not sure how complex or how long, of getting these opinions from your legal staff and the legislative counsel?

Hon. Mr. Grossman: With regard to whether there is or is not a legal question or a legal problem, I am simply informed that initially the funds in the estimates for that year were lumped together under the Liquor Licence Board. That caused somewhat of a legal problem in terms of the authority to then transfer it into the Liquor Licence Appeal Tribunal; that's a source of legal problems.

In point of fact, it's going to be sorted out whether it's in the Attorney General's office or not. As the member knows, it is not a question of a misappropriation. It's simply a matter of proper legal authority for what was done, and for which obviously there would have been no problem getting legal authority at the time.

I would think the key question is how was it missed initially. The answer is, as happens occasionally but really very rarely, it was missed. I think you will appreciate that with the number of branches my ministry has we are doing a heck of a good job if the only thing we have missed is something two years ago with regard to a new board that had legal problems being set up. Of course the Auditor has not had the slightest comment since that time in regard to any of the auditing procedures carried on by the ministry. I mean it was just simply missed. We are sorry. It shouldn't happen, but the record is pretty good; and it will not happen again.

Mr. Davison: What you are saying then, is that the involvement of the ministry's legal staff was to see if there was some way in which the money could be transferred from the licence board to the tribunal? Is it correct that they were looking into the legal problems involved in transferring from the global budget into a specific account?

Hon. Mr. Grossman: Yes, I think it's that simple. There was no authority at that time under the Liquor Licence Act to transfer funds to the Liquor Licence Appeal Tribunal. You recall there were no appointments to the tribunal until April, 1976. That's a legal problem, that's all I can tell you at this time.

Mr. Davison: My interest in the matter simply arose, I guess, because of the second paragraph of the letter from the deputy minister to the Provincial Auditor, in which he said, "After examination of the legislation, they concluded"—that's your ministry—"that the position you have taken, that there is no apparent authority for the expenditure of \$20,170 for the tribunal for the period ended March 31, 1976, is correct."

I suspect I have really misinterpreted the meaning there. It wasn't in fact a question of your ministry people looking at the Auditor's opinion to see if the Auditor was correct, but rather looking at the overall situation to see how the problem could be solved. I take it I now understand it properly.

Hon. Mr. Grossman: Oh yes; we weren't really in a debate so much as doing a constructive analysis of what happened and how to do it properly.

Mr. Davison: I think that clears it up, Mr. Chairman; thank you.

Mr. Reid: I have just a couple of matters I'd like to raise in this first vote, more or less—

Hon. Mr. Grossman: Generally?

Mr. Reid: Generally, yes.

Hon. Mr. Grossman: I knew it wasn't on audit services.

Mr. Reid: The first, Mr. Chairman, is—

Mr. Deputy Chairman: I might tell the hon. member we are dealing with audit services of the ministry, which is item 7, vote 1401.

Mr. Reid: I'm sorry, I thought we were still on the first vote.

Mr. Deputy Chairman: Anything further on item 7? Item 7 agreed to.

Mr. Reid: Mr. Chairman, can I make some general comments here?

Mr. Deputy Chairman: Well, if you can fit your general comments in as we go through the balance of these estimates, I am sure you will be able to find comments for each particular vote as it arises.

Vote 1401 agreed to.

On vote 1402, commercial standards program; item 1, securities:

Mr. Reid: I presume this is the Securities Commission we are dealing with?

Hon. Mr. Grossman: Yes.

Mr. Reid: One of the general comments I wanted to make is in this area. This matter was raised earlier, within the last two or three weeks. It concerns correspondence that has been received by members of the House on all sides concerning charges that have been made against a member of the Ontario Securities Commission and certain allegations therein referring to the effect decisions of the Ontario Securities Commission have had on the mining industry in the province of Ontario.

In response to a question from my colleague from Kitchener, your reply was that you carefully monitored all the correspondence, that you had taken into consideration more or less where it had come from, and no further action on the part of the ministry was required.

I find it somewhat strange, in view of the charges and allegations made, that should be the minister's simple response. I am concerned about the state of the mining industry in the province of Ontario. I have spoken in this House on a number of occasions concerning the effect it has had on the junior mining development, and exploration which of course is a part of that development in Ontario.

The allegations have been quite specific in the letters, and the bottom line of those letters as well has been that this has destroyed the junior mining industry in the province of Ontario. I'd like to set aside, if I may, the allegations about a specific member of the Ontario Securities Commission, and ask if the minister, either by himself or

in conjunction with the Minister of Natural Resources (Mr. F. S. Miller) and the Minister of Northern Affairs (Mr. Bernier), can give us any information today as to the effect that ruling—I forget what the number is now—in regard to the financing of junior mining exploration in the province has had on that industry.

I realize we're in somewhat tough economic times. I realize the market demand for minerals is generally down. It seems to me those regulations, that came out some two and a half or three years ago, have had a depressing effect on exploration and on the development of junior mines in the province of Ontario.

I don't say that lightly, because I come from an area that is heavily dependent on the mining industry and heavily dependent on the financial benefits accruing from exploration in our part of the country. I wonder if the minister can indicate if he has done any research, or if other ministries related to this have done any research, that can give us some facts and figures as to the effects of the operations of the Ontario Securities Commission and the passing of that regulation in regard to the financing of junior mines in the province of Ontario.

Hon. Mr. Grossman: Policy 3-02 is the one in question. The policy, as the member knows, was adopted by the commission in April, 1976. It has been reviewed from time to time and a number of recommendations have been made by my colleague, the Minister of Natural Resources.

Following discussion of some of his recommendations with the Prospectors and Developers Association, the commission did adopt some amendments to the policy, together with explanatory notes as to the policy's true intent. This process continues at all times. The commission attempts to ensure a fair shake for all participants in junior exploration financing and a fair shake for the investors, prospectors, promoters and underwriters.

This policy is not only under continuous review by my staff, but we do so in co-operation with the industry and industry associations. I must say that the policy of the Ontario Securities Commission does not and has not attempted to favour mines per se, or industrial companies per se, or finance companies per se. The commission, by virtue of its very presence and mandate, is there to provide investor protection. The trick is not to provide small investor protection in such a fashion that you have killed off an industry.

I think the member would agree with me and I'm not an expert in problems of mining, northern mines and junior mines specifically—that there are matters other than the current policies of the Ontario Securities Commission, which are affecting the situation with regard to the development of junior mines. We believe the rules in place are those necessary to protect small investors and that they aren't inhibiting any good, legitimate or true investment that would otherwise take place.

I'm also told there is a special junior mining study going on at the Ministry of Natural Resources and the University of Toronto. It was commissioned by the Minister of Natural Resources to report early in 1978, which will give us, I suppose, some more information on the subject. If the results of that study indicated that any particular policy was having an inappropriate inhibiting role with regard to that development of northern junior mines, then we would look at that specific policy again.

I'm not saying we drop it, because we do have to protect the small investor, but we will certainly specifically look at any rule or regulation or policy that is in effect and is felt to have had an inhibiting effect.

[12:45]

Mr. Reid: I appreciate what the minister has said. I was not aware of the study in conjunction with the University of Toronto, I presume that will be made a public document when it is available.

Hon. Mr. Grossman: As always, yes.

Mr. Reid: Perhaps you can enlighten me, or your officials can enlighten me, as to what changes were made in that particular policy.

For instance, I have a constituent who has written the Ontario Securities Commission on a number of occasions asking to be provided with a list of underwriters who would handle underwriting for the issuance of shares to the public. That list, unless I am misinformed, was never forthcoming.

A couple of people were contacted in the city of Toronto. One of the problems, one of the end results of your policy it seems, is that it has made it impossible, according to the brokers who otherwise might handle the underwriting, to make any kind of decent profit on the underwriting, therefore they are not willing to handle it; which leaves a small prospector or developer out there, with an investment of sometimes up to \$100,000, in a position where he finds it extremely difficult to get the necessary financing to proceed with further exploration or do some development on his own.

One of the aspects of that policy that I found particularly offensive was the fact that there would be someone sitting in the Ontario Securities Commission, in his nice, warm, little office, passing judgement on whether or not there was feasibility of a mine being developed, say north of Atikokan or in the Sioux Lookout area, or around Ignace. This OSC official in Toronto would be passing judgement on the geological reports that would be provided from the field by the person or company that wished to develop the mine. I wonder: Is that aspect still in place? Can you just give me a yes or no on that?

Hon. Mr. Grossman: I am informed that there has been a change made and that isn't the policy any more. The fact is those matters are now referred to an independent committee, headed up by a member of the Prospectors and Developers Association, together with some people from the professional engineers association and the Ministry of Natural Resources. That is, an independent review goes on to determine the last matter you spoke of. It is no longer handled in the office of the Ontario Securities Commission.

This was a policy designed to provide an independent and well-educated assessment of the matter you have referred to. We feel that this policy, which was designed first to protect the prospector from the broker-dealer, second to make it possible for money to be provided for a company and third to give all broker-dealers, promoters and prospectors a fair profit, is working fairly successfully. It has been moved out to independent people who know the industry or are interested in the industry.

If the member has any comments on how this new approach is working, we would be happy to hear them. I might add you can be assured neither predecessors in the Ontario Securities Commission nor the incumbent work in any gilt-edged offices.

Mr. Reid: Gold-plated. I just have two short questions. I wonder if the minister could provide me with the changes or amendments that were made to that policy so that we could save some time here. The second thing is: could you check with your officials at the table to see if there is a list of brokers or stock market people who handle the requests or requirements of people who wish to raise financing for exploration and development?

Do they have such lists? Do they exist? Do they have concrete evidence that these people are working with the prospectors and

developers in the field? If so, could I have such a list and the names and addresses of those companies that are prepared to assist in financing?

Hon. Mr. Grossman: Happily, yes; there is such a list and you can have it. If you will bear with me as I read though some handwriting which will give you the details of the policy changes, we'll both have them.

First, escrow shares were abandoned in favour of a special class of shares for the promoter, to protect his interest; second, prospectors can negotiate their own deals for cash and for shares and for royalties; third, broker-dealers are prohibited from wearing more than one hat.

I am sure that will elucidate and enlighten the whole picture.

Mr. Reid: I wonder if I could ask one further question, Mr. Chairman, with your indulgence. I can appreciate what was going on and why the Ontario Securities Commission felt it had to bring in this regulation. I have had some dealings myself, I used to be in the penny stock market myself; but then when you brought in Wintario the pavoff seemed to be a little better.

There was a book published a few years ago—I'm sure your officials have probably got gilt-edged copies—called Mining Promotion in Canada, about the boiler rooms and all the rest of it.

Interestingly enough, lawyers and doctors seemed to be the biggest suckers for this kind of thing, and it seemed to me that was only a fair sharing of the wealth, actually; perhaps there was some kind of justice in that respect. I am not of course, against protecting the public in this regard, but I do feel the commission maybe went a little further than it should have.

My question is this: Do those regulations come to you? Are they discussed—in this particular case—with the Minister of Natural Resources to see what effect the passage of such regulations is going to have on the industry? I am not talking just about the mining industry in this case but the economy generally.

Hon. Mr. Grossman: The discretion, I am informed, is within the commission. Therefore, while I am informed of these policy changes and so on, they are referred to me and I see them, the discretion does lie within the commission. No, they are not referred for input to the Minister of Natural Resources.

Mr. Reid: I must follow this up, Mr. Chairman.

In that case it seems to me we have to work out a much better mechanism for estab-

lishment of these regulations and requirements. I may not go as far in my criticism as the miners or the Prospectors and Developers Association, but it is a little frightening when civil servants can pass regulations that can have the impact on an industry that this particular regulation had. As I say, I appreciate the international situation as well, but it seems to me, that you have a responsibility, as minister, to have control over what the Ontario Securities Commission is doing, so that their regulations and rulings are not going to damage any part of the economy. These matters should be reviewed with you so that you can get input from the industries directly associated with these regulations. Then if there is any problem the responsibility lies where it should—with you as minister and with the government as a whole—and we don't have somebody isolated from the more practical aspects—if I may put it that way, no disrespect intended of course—of these regulations on the industry, whether it be mining, industrial or otherwise.

Hon. Mr. Grossman: I should make it clear that when the proposed policy changes are handed to me I am not in a position to take them to my cabinet colleagues to get some input and go back; but the Ministry of Natural Resources does have substantial input along the way in terms of access to development of the policy.

For example, policy 3-02, I am informed, was developed after two weeks of public hearings, six months of discussions with Prospectors and Developers Association, the Ministry of Natural Resources—

Mr. Reid: And all disagreed with the policy.

Hon. Mr. Davis: They didn't agree among themselves.

Hon. Mr. Grossman: —and the Association of Professional Engineers of Ontario. So the Ministry of Natural Resources had much input at an early stage. The drafts which came out of that series of hearings were then taken back to those same people, including Natural Resources.

Lest we have a misunderstanding with regard to just where government policy would fit in, the obvious reason the drafts and the policies are shown to me before they come out is so that if there is something there which obviously contradicts government policy, or that causes me to raise my eyebrows a little bit, I may well call my colleague, call the Ontario Securities Com-

mission, and express my concern to make sure that they are aware of all of these matters. Ultimately, it's up to the commission to reconcile it, but our policy role and the government's presence in the development of all of those things is very much there.

Mr. Deputy Chairman: Just one short question here. We are approaching the hour.

Mr. Davison: I'm concerned with the involvement of Inco with the commission. Perhaps I'll wait until Monday.

On motion by Hon. Mr. Grossman the committee of supply reported progress and asked for leave to sit again.

On motion by Hon. Mr. MacBeth, the House adjourned at 1 p.m.

CONTENTS

Friday, December 2, 1977

Point of privilege re newspaper report, Mr. Reid	2539
Point of privilege re accommodation allowance, Mr. S. Smith	2539
Jail closures, statement by Mr. Drea	2541
Confidentiality of health records, questions of Mr. Timbrell: Mr. S. Smith, Mr. Lewis	2542
Ford layoffs, questions of Mr. Davis: Mr. S. Smith, Mr. Mackenzie	2543
Metro Toronto school board, questions of Mr. Wells: Mr. Lewis, Mr. Warner	2544
Special education, questions of Mr. Wells: Mr. Lewis, Mr. Foulds	2545
Ogoki Lodge, questions of Mr. W. Newman: Mr. Kerrio, Mr. S. Smith	2546
Tourism, questions of Mr. Bennett: Mr. Wildman	2547
Railway lands, questions of Mr. Davis: Mr. Yakabuski	2547
Activities of OPP, questions of Mr. MacBeth: Mr. Foulds	2548
Job creation, questions of Mr. Davis: Mr. Sargent, Mr. di Santo	2549
Pipe production, questions of Mr. Bennett: Mr. Swart	2550
Home heating and insulation, questions of Mr. J. A. Taylor: Mr. Pope, Mr. Kerrio	2551
Edwardsburgh land assembly, questions of Mr. Davis: Mr. Conway, Mr. Sterling	2551
Aviation safety, questions of Mr. Snow: Mr. Foulds, Mr. Wildman	2553
OHTB bus licence, questions of Mr. Davis: Mr. Haggerty	2553
Truck licensing, questions of Mr. Snow: Mr. Philip	2554
Presenting petition by ratepayers of the Roman Catholic School Board of Carleton, Ms. Gigantes	2554
Notice of dissatisfaction re answer to oral question on Activities of OPP, Mr. Foulds	2554
Report, standing administration of justice committee, Mr. Philip	2554
Estimates, Ministry of Consumer and Commercial Relations, Mr. Grossman, continued	2554
Motion to adjourn, Mr. MacBeth, agreed to	2569

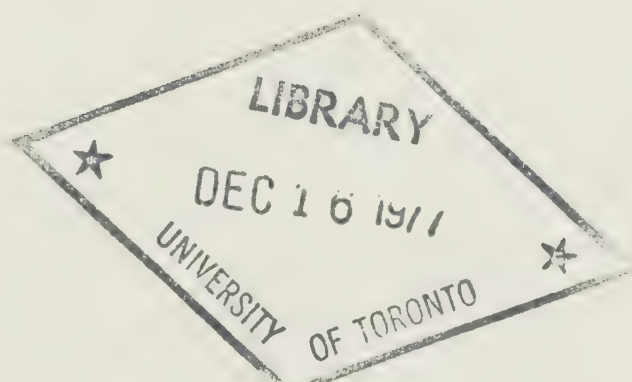
SPEAKERS IN THIS ISSUE

Bennett, Hon. C.; Minister of Industry and Tourism (Ottawa South PC)
Blundy, P. (Sarnia L)
Bradley, J. (St. Catharines L)
Breithaupt, J. R. (Kitchener L)
Campbell, M. (St. George L)
Cassidy, M. (Ottawa Centre NDP)
Conway, S. (Renfrew North L)
Cunningham, E. (Wentworth North L)
Davis, Hon. W. G.; Premier (Brampton PC)
Davison, M. (Hamilton Centre NDP)
di Santo, O. (Downsview NDP)
Drea, Hon. F.; Minister of Correctional Services (Scarborough Centre PC)
Eakins, J. (Victoria-Haliburton L)
Foulds, J. F. (Port Arthur NDP)
Gaunt, M. (Huron-Bruce L)
Gigantes, E. (Carleton East NDP)
Grossman, Hon. L.; Minister of Consumer and Commercial Relations
(St. Andrew-St. Patrick PC)
Haggerty, R. (Erie L)
Kerrio, V. (Niagara Falls L)
Laughren, F. (Nickel Belt NDP)
Lewis, S. (Scarborough West NDP)
MacBeth, Hon. J. P.; Provincial Secretary for Justice and Solicitor General (Humber PC)
Mackenzie, R. (Hamilton East NDP)
McClellan, R. (Bellwoods NDP)
McKeough, Hon. W. D.; Treasurer, Minister of Economics and Intergovernmental Affairs
(Chatham-Kent PC)
Newman, Hon. W.; Minister of Agriculture and Food (Durham-York PC)
Philip, E. (Etobicoke NDP)
Pope, A. (Cochrane South PC)
Reed, J. (Halton-Burlington L)
Reid, T. P. (Rainy River L)
Rhodes, Hon. J. R.; Minister of Housing (Sault Ste. Marie PC)
Rotenberg, D. (Wilson Heights PC)
Ruston, R. F. (Essex North L)
Sargent, E. (Grey-Bruce L)
Smith, S.; Leader of the Opposition (Hamilton West L)
Snow, Hon. J. W.; Minister of Transportation and Communications (Oakville PC)
Sterling, N. W. (Carleton-Grenville PC)
Stokes, Hon. J. E.; Speaker (Lake Nipigon NDP)
Swart, M. (Welland-Thorold NDP)
Taylor, Hon. J. A.; Minister of Energy (Prince Edward-Lennox PC)
Timbrell, Hon. D. R.; Minister of Health (Don Mills PC)
Warner, D. (Scarborough-Ellesmere NDP)
Wells, Hon. T. L.; Minister of Education (Scarborough North PC)
Wildman, B. (Algoma NDP)
Yakabuski, P. J. (Renfrew South PC)
Ziemba, E. (High Park-Swansea NDP)



Legislature of Ontario Debates

Official Report (Hansard)
Daily Edition



First Session, 31st Parliament

Monday, December 5, 1977

Afternoon Sitting

Speaker: Honourable John E. Stokes

Clerk: Roderick Lewis, QC

CONTENTS

A list of the speakers taking part in the debates in this issue of Hansard appears, in alphabetical order, at the back of this issue.

Daily contents of proceedings also appears at the back of this issue. Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff. (Phone 965-2159)

Hansard subscription price is \$15.00 per session, from: Sessional Subscription Service, Printing Services Branch, Ministry of Government Services, 9th Floor, Ferguson Block, Parliament Buildings, Toronto M7A 1N3. Phone 965-2238.

Published by The Legislative Assembly of the Province of Ontario.
Editor of Debates: Peter Brannan.

LEGISLATURE OF ONTARIO

MONDAY, DECEMBER 5, 1977

The House met at 2 p.m.

Prayers.

STATEMENT BY THE MINISTRY

PIPE PRODUCTION

Hon. Mr. Bennett: Mr. Speaker, I would like to review the present position of Ontario as it relates to the possible supply of pipe and supplies for the new gas line from Alaska and ultimately from Prudhoe Bay. The proposal submitted by Foothills Gas Pipeline Limited is one that has been accepted by Canada and the US and the terms and conditions are still being negotiated at the present time. As part of its original proposal, Foothills Gas Pipeline company suggested the use of a 48-inch diameter pipe with a wall thickness of 0.54 inch. Apparently, from their point of view, this size and type of pipe was preferred as it appears to present the fewest number of problems in installation. Pipe manufacturers in Canada, including Stelco, have the capacity and technology to supply this type of pipe.

As negotiations proceed between the US and Canada, the question has now been raised as to whether this size and pressure will have sufficient capacity to take care of the ultimate needs of the market. At present, two possible solutions are being discussed.

The first is to maintain the 48-inch diameter and increase the pressure, while the second is to increase the diameter to 54 inches and maintain the low pressure. The wall thickness of the steel for the high-pressure 48-inch pipe would have to be increased to three-quarter inch while the 54-inch low-pressure pipe will continue to use half-inch thick steel.

In Canada, Stelco has worked for some years on the metallurgical and rolling requirements of the steel plate needed for the three-quarter inch thick wall pipe and has developed this capability.

The second proposal, that of the 54-inch diameter low-pressure pipe, will evidently create no problems for Canadian manufacturers. Apparently Foothills Gas Pipeline would prefer this alternative if some change is to be made from its original plans to use low-pressure 48-inch pipe, since the problems of installation would not radically change.

At this point, let me outline the position of Stelco in this matter. I quote from the statement given to me by Mr. J. D. Allen, president of Stelco:

"Stelco is capable of producing pipe that will meet all of the specifications that are currently being explored for the proposed Alaska Highway pipeline. The company's Stelform pipe mill in Welland is one of the most modern facilities of its type in the world and is capable of providing pipe in diameters ranging from 36 inches to 60 inches and with wall thickness of up to 1.125 inches.

"The three types of pipe currently being considered for the Alaska Highway line are: 48-inch, 0.54-inch thickness; 48-inch, 0.72-inch thickness; and 54-inch, 0.54-inch thickness. Stelco is therefore in a position to follow through on its offer to Foothills of 1.1 million tons of pipe over a three-year period for the projected line, irrespective of which of these three sizes is finally chosen. In addition, the company also has additional pipemaking facilities in Welland and in Camrose, Alberta, to permit it to supply pipe for the feeder and ancillary lines to the main pipeline."

The whole matter of pipe specifications is now the subject of active negotiation between the US and Canada. It is my understanding from the Hon. Mr. Horner that the final Canadian decision rests with the National Energy Board. At the same time, senior officials of Foothills Gas Pipeline Limited have stated that the bulk of the procurement of supplies and equipment will come from Canadian sources, provided they are competitive and are capable of meeting the supply requirements.

Mr. Horner has assured me that the full interest of Ontario and Canadian manufacturers of the pipe and other supplies will be recognized. Because of past performance and participation as suppliers to gas pipeline construction projects in Canada, I would expect these companies will obtain their fair share of this market.

This project and other major contracts have been monitored by the committee within Mr. Horner's department known as the Industrial Benefits Committee for Natural Re-

source Developments, on which our province and my ministry has direct representation.

It is in the interest of all concerned that a decision on the final pipe specifications be made as soon as possible so that construction can get under way by its original target date of 1979 and have a direct relation to the economy at this time.

I hope the review that I have made clears up some of the misunderstandings.

Mr. Lewis: It doesn't, really. That did not answer the question at all.

Mr. Nixon: It makes a nice statement to send out to anybody who might be critical.

Mr. Makarchuk: Are you going to check to see who is going to build the compressors?

ORAL QUESTIONS

URANIUM PRICES

Mr. S. Smith: I'll ask a question of the Minister of Energy. Is the minister now familiar with the evidence regarding uranium prices that was discussed in the hearings in the United States which make it very clear that Ontario Hydro was in fact a victim of this cartel arrangement? Can he now answer the question which I put to him some time ago, as to how much above world cartel price Hydro had to pay in order to obtain that uranium from Gulf Minerals, and what the impact has been in terms of the additional cost to be borne by energy consumers?

Hon. J. A. Taylor: I can give the Leader of the Opposition precisely the same information as I tried to give him some time ago in connection with the uranium pricing.

Mr. Nixon: Yes. That is you don't know.

Mr. Peterson: Just answer the question.

Hon. J. A. Taylor: But the member creates some mythology and then starts to attack it and create another public impression. What he read in the newspapers was some documentation that apparently was given in evidence in regard to a lawsuit—I believe in Santa Fe, New Mexico—and I don't accept a newspaper report on a particular piece of evidence as the be-all and end-all in connection with whether or not there was a cartel and the impact, if there was any, on uranium prices that Ontario Hydro had to pay.

Mr. McEwen: Let's hear it from you.

Hon. J. A. Taylor: The Gulf Minerals contract—and Gulf was mentioned—was tabled by me in this House. It's there. I would hope the Leader of the Opposition

has taken that contract and has given it the study and the examination that he should. If he has, he will see that the delivery dates are for 1980. He will also see that the price under that contract, when delivered, will probably be about one-half of the going world price for uranium.

Mr. Breithaupt: By then?

Hon. J. A. Taylor: So the best information I have about the impact of a cartel on Hydro buying is that the world forces, the world market price, overtook any cartel price, so that was what was manifested in terms of the dealings with Ontario Hydro.

Mr. S. Smith: Supplementary: Accepting the fact that uranium prices by now are beyond the control of the cartel—but in 1974 the story was different—can the minister confirm whether or not he has discussed with Hydro the evidence that was presented in Santa Fe, New Mexico, which said that when Canadian producers learned that other cartel participants had temporarily dropped out of the market, the Canadians jacked up the price by almost 50 per cent above levels set by the cartel, and that Ontario Hydro was the second organization in line to buy uranium under the higher pricing structure?

Normally, Mr. Speaker, I would certainly not believe anything said by a Conservative critic in Ottawa, but in this instance I think Mr. Sinclair Stevens has some credibility.

Hon. Mr. Davis: Is that a question or a statement?

Mr. S. Smith: The question was did the minister discuss with Hydro that particular matter?

Hon. J. A. Taylor: I'm sure Mr. Stevens would like support for his position regardless from whence it may come, and that's fine if the member wants to join that particular position. But the fact remains—

An hon. member: Stevens was wrong.

Hon. J. A. Taylor: —that in terms of the evidence he cannot, surely, accept the evidence of one party without accepting the evidence from the other party when he's going to adjudicate on a matter. What the Leader of the Opposition did, was to take a newspaper report of a particular piece of evidence, some documentation, and adopted that as the factual situation. I'm not prepared to do that.

Furthermore, as to whether or not I discussed this with Hydro, I can assure the Leader of the Opposition that I've been very mindful of the price of uranium for—

Mr. Peterson: The question is, did they speak to you?

Hon. J. A. Taylor: —a number of reasons, unrelated, I may say, to the Gulf Mineral contract. Before that issue broke in this country I was pursuing the question of the cartel price and the impact that might have on pricing of uranium in Canada. Those discussions have involved, of course, the fuel purchasing people in Ontario Hydro, as well as other persons knowledgeable in the area.

CONFIDENTIALITY OF HEALTH RECORDS

Mr. S. Smith: I'll ask a question of the Minister of Health, Mr. Speaker. Can the Minister of Health inform the House regarding the use of search and seize warrants by police forces to obtain entire medical and hospital files from public hospitals or provincial hospitals within the province of Ontario? Is he familiar with the existence of this practice and can he tell us how frequently this practice has been carried on since, let us say, 1970, and what the circumstances were?

Hon. Mr. Timbrell: That would require some considerable background investigation by my staff but if the hon. member wants it, I'll see that it's done. That's an extensive period of time, of course, and we are dealing with many, many thousands of records in the approximately 250 public hospitals in the province.

Mr. S. Smith: By way of supplementary, can the minister inform the public of Ontario through this Legislature as to whether he is, first of all, familiar with the process whereby a police force can come and take any medical record it pleases out of a public hospital? Can he give us even some rough indication of whether he knows of incidents where this has occurred and whether he can tell us the kinds of documentation which they have been forced to provide the justices of the peace when obtaining such search and seize warrants? How specific does the information have to be?

Hon. Mr. Timbrell: There are many instances where this can and does happen, where there are search warrants granted to a police force to go into a hospital—or to OHIP, for that matter. If the hon. member can be more specific, I can give him some case histories. Would he be interested in that? I could give him some indication of what's been going on. This is certainly an area that Mr. Justice Krever will be looking at as part of his overall review of the confidentiality of such records.

[2:15]

Mr. S. Smith: By way of final supplementary, Mr. Speaker, the concern has to be that there be sufficiently specific demands made for information so as not in any way to invade confidentiality in an unwarranted manner. I am asking the minister whether he can give us some idea of the frequency of the occurrence and some idea of the specific nature of the information given to the justices of the peace when issuing these warrants. If he will seek to get this information for us I will await his answer at a future date.

Hon. Mr. Timbrell: Yes, but again if the member wants me to go back to 1970 it may take some time to pull it all together. But I will be glad to do that.

Mr. Lewis: If I may have one supplementary on that, Mr. Speaker. So far as the minister is aware, have warrants issued for the purpose of requisitioning such records, as I guess the legislation clearly allows, always been in pursuit of criminal proceedings? Or has there been any other reason adduced for the record?

Hon. Mr. Timbrell: Offhand, I am not sure, Mr. Speaker. A court order is a court order and once it is produced the administration don't question it—once it is a duly executed document and it is turned over.

Mr. Deans: May I ask a supplementary, related to the question that was asked by the Leader of the Opposition? Am I to understand that the information that I sought some two weeks ago and asked again about last week will not be produced because of the inquiry that has now been ordered? Will that information somehow be funnelled through the inquiry?

Hon. Mr. Timbrell: No. The answer to the member's question is being prepared. It has taken some time, of course, because he referred to two specific years and we are having to review all the files for those years. I would hope to get the answer to him as soon as possible, but my staff have said it will take several weeks to do it properly.

Mr. Deans: Several weeks?

Mr. Lewis: How can it take that long? Only those files which were seized were talked about—only those files that were removed. Sorry, Mr. Speaker.

LAYOFF OF NICKEL WORKERS

Mr. Lewis: A question of the Premier: Two or three weeks ago I asked him about whether he might approach Falconbridge over new rumours that appear to be rife in the Sudbury basin about yet another layoff prospect. Did

the Premier speak with the company? Can he report to the House?

Hon. Mr. Davis: Mr. Speaker, there is some information being prepared. I doubt I can have it here for this question period, but I will have it for the hon. member tomorrow.

Mr. Lewis: May I ask the Premier if he knew that Falconbridge had called in the union executive to meet with them on Thursday of this week and that there is exceeding anxiety about that particular meeting? Is it possible for the Premier to be able to tell us whether this is a meeting of reassurance or a meeting regarding a further layoff? Has the company checked with the government?

Hon. Mr. Davis: Mr. Speaker, I would prefer not to speculate on what the meeting may be about on Thursday. I will give the hon. member as much of the information that is available to me as I can, and I will endeavour to do that tomorrow.

Mr. Lewis: I will leave it for the moment.

RADIATION LEVELS

Mr. Lewis: Mr. Speaker, may I come to the Minister of Labour? I take it because she is here she is in sufficient voice to answer questions.

May I ask the minister about this amazing piece of scientific data from the United States—I asked the Minister of the Environment (Mr. Kerr) about it last week—indicating that at one-tenth the level of acceptable, so-called, threshold radiation to which workers in Canada and the United States are subject, a major study would appear to show a very significant increase in the number of cancer deaths due to low-level radiation? Is it likely that we can then change, for purposes of incorporation, the level permitted in our new occupational health bill?

Hon. B. Stephenson: Mr. Speaker, I would have to respond to the question by stating at the present time I do not have a copy of the study. It is, to my knowledge, not available generally because we have been attempting to get a copy of it. The newspaper report about the study stated specifically that two of the researchers who were involved were concerned that perhaps the report of the study was being suppressed and that it was difficult to get the information contained therein.

They did indeed express their concern that at levels—and I don't recall the actual figures that were stated—considerably lower than those we usually construe to be reasonably normal levels of radiation for workers and for other individuals, there was an increase

in the development of metaplastic disease. We are attempting right now to get the total study so we can examine it as carefully as it needs to be examined to do precisely the kinds of things which the hon. leader of the third party is suggesting.

Mr. Lewis: Supplementary: Perhaps the minister could keep us informed about getting the study. The study alleges that up to 40 per cent of the 670 deaths found from cancer were induced by low-level radiation at one-tenth of the levels we permit. Is it possible for members of the ministry staff to go directly down to see Dr. Thomas Mancuso in Pittsburgh and to review the evidence there with him, since this has tremendous implications for Eldorado, for nuclear plants and for any refining facility anywhere in the province of Ontario?

Hon. B. Stephenson: I would have to say again it is my understanding that at least two of the authors of the study allege this is so. I do not know whether the study does. That is precisely why we are trying to get the documentation in order to examine it carefully and to study its implications so that we can make the proper approaches.

Mr. Lewis: Can I ask the minister for a report to the House?

Hon. B. Stephenson: Yes.

FORD LAYOFFS

Hon. B. Stephenson: Mr. Speaker, there were two questions asked of the Premier on Friday in my absence related to the layoffs at the Ford plant, one by the hon. Leader of the Opposition and the second by the hon. member for Hamilton East (Mr. Mackenzie). I have some information which has been collected directly from those responsible within the Ford plant, which I think does answer the questions which were put. The Leader of the Opposition asked whether the company had been in compliance with the Employment Standards Act, whether proper notice had been given and whether it was for reasons of production problems rather than lack of demand that the layoffs were requested.

It is my understanding that in the earlier part of 1977 the officials of Ford decided the maximum potential output of their assembly plant at Oakville could be increased rather dramatically if they were to produce two lines of vehicles on the same production line. So they began a program of producing both automobiles and Econoline vans.

It was projected at the time they drew up the proposal that they could be producing something in the order of 53 vehicles per

hour. They began that process after hiring an extra 625 staff members at the end of July 1977. They discovered, as a result of problems on that production line, that actually their capacity was somewhat less than 53, and that what they could produce was about 48 units per hour. As a result of that change in the capacity of output there are approximately 300 workers who are at the present time superfluous in the production.

I am informed that there is no reduction in the market demand for the vehicles; that the layoff was caused specifically by the facility limitation rather than anything else, that 325 employees hired in July are still being employed and that the company requires all of the vehicles which can be produced during the overtime which has been worked.

I am informed there are two 10-hour shifts at the Ford plant. Apparently, that line is not the kind which can be run on a 24-hour basis and, therefore, it is necessary to have 10-hour shifts, and that the staff are on the line working an average of 48 hours per week. Overtime work is done with the agreement of the members of the staff or the employees, not against their will at all, but under the terms of the agreement which the company has with the UAW. I am further informed there are no staff employees in either repair, maintenance or on the line who have been working as much as 60 hours a week.

Mr. Deans: Would the minister discuss the matter further with employees' representatives to determine whether or not the last statement she made about the concurrence of the union and the employees and the working of the 48-hour week is correct, given that the contract, as I understand it, says quite clearly that workers cannot be required to work in excess of 40 hours while others are on permanent or long-term layoff?

Hon. B. Stephenson: Mr. Speaker, I should be happy to do that. There is one important detail which I neglected to mention and that is the answer to the question posed by the hon. Leader of the Opposition about whether the Employment Standards Act has been complied with. It was complied with, totally, Mr. Speaker.

As I said, all of these individuals are of fewer than six months' experience with the company and the company did comply totally with the Employment Standards Act.

In answer to the question posed by the hon. member for Wentworth, I shall be pleased to talk to the leadership of the union. But I am informed that, indeed, the overtime that has been worked was a result of the agreement between the employees and the

management. I am not aware of that specific clause within that contract. But I shall check.

Mr. S. Smith: Supplementary with regard to the notice: Could the minister perhaps correct me on this. Is it not necessary, Mr. Speaker, for notice required to terminate the employment of 50 or more employees in any period of four weeks or less to be given according to certain regulations? And is the regulation not that a person employed for less than three months shall not be entitled to notice under subsection 2 of section 40? This is regulation 251 of the Employment Standards Act.

Is it not a fact that it is only if you have been employed for three months or less that you don't have to have this appropriate notice?

Hon. B. Stephenson: Mr. Speaker, it depends as well on the total number of individuals employed within the plant and the percentage of those individuals to be laid off. And, as a matter of fact, the percentage of individuals to be laid off at the Ford plant is slightly less than six per cent of the total number of people employed, not 10 per cent.

Mr. Lewis: A very cute way of getting around the Act.

Mr. Speaker: A final supplementary.

Mr. Deans: Isn't it time we got to the heart of the problem? Isn't it time that the government came to grips with the difficulties of having certain employees working overtime while others are being laid off, and to set out a clear and definite policy in the province of Ontario during this period of high unemployment with plant closings occurring every day and layoffs happening everywhere in the province? There should not be overtime being worked while people are being laid off.

Hon. B. Stephenson: Mr. Speaker, that is most certainly an interesting suggestion which we have considered in various areas. But I am informed very clearly by those in charge of the production line at the Ford plant that it would not matter whether the employees were working overtime or not. They could not employ extra people because the facility is such that it precludes the hiring of extra people to produce those vehicles on that line. The capacity of the line is the problem and it was obviously a mistake in estimating the capability of that facility to employ that number of people.

Mr. Mackenzie: A final supplementary, Mr. Speaker: I am wondering if, in talking to the union members, the minister would ascertain how many of the total number of the 6,000 employees in the Ford Oakville plant are working the 48 hours and how many are working in excess of 48 hours?

Hon. B. Stephenson: Mr. Speaker, it is my understanding that the total employment at the Oakville assembly plant is approximately 4,000 employees, not 6,000 employees. And I will be very happy to try to find out the percentage working overtime.

FILES ON CRITICAL SOURCES

Mrs. Campbell: My question is to the Minister of Community and Social Services. In view of the fact that an unnamed newspaper reporter has discovered a one-inch-thick file kept on all media contacts with the Ministry of Community and Social Services, would the minister tell us if such a file is kept on all contacts with opposition parties and their staff and would he make it freely available to us as it was to the reporter by his acting director of information?

Hon. Mr. Norton: Mr. Speaker, if I heard the hon. member correctly, she said a one-inch-thick file. My impression is that it may be substantially thicker than that.

Mrs. Campbell: I thought it would be.

Hon. Mr. Norton: I am not sure whether this is a practice that is unique within my ministry or not.

Mr. Warner: Every ministry.

Mr. Lewis: I got their approval.

Hon. Mr. Norton: But it is a practice which was introduced some time ago, as I understand it, by the communications branch so they might be in a position to know when there were contacts from the media with the ministry which would require follow-up on their part. I would be happy to give the honourable member a copy of the form. I may even have one here with me today which I can send across to her. It indicates that there is a portion to be checked off so that the communications branch knows when further follow-up of information is requested by the contact person in the media. There is nothing subversive about the practice.

Mr. Lewis: Oh, yes there is.

Hon. Mr. Norton: One might well ask why a communications branch of a ministry would not ask for that kind of information so that it could be on top of the requests that are coming in and be prepared to provide the necessary follow-up. I think the impression that might have been created in the news story is really quite inaccurate in so far as it's suggested that there was any reason other than—

Mr. Conway: Is it another perversion of the truth?

Hon. Mr. Norton: Well, it is, but I won't use that expression.

Mr. Speaker: In the interest of saving time, the question was: Will you make them available?

Hon. Mr. Norton: Well, I think the hon. member asked if there were any files on opposition contacts and would I make those available. To my knowledge, there are none on opposition contacts.

Mr. Lewis: Well, why not? What's wrong with our people?

Mr. Reid: Are they not as important as reporters?

Hon. Mr. Norton: If it will make the hon. member more happy with the situation, I can ask the communications people in the ministry if they'd like to consider it.

Mrs. Campbell: Supplementary, Mr. Speaker—and this is not my supplementary question, but it strikes me as being rather strange that almost everything that the press reports about this ministry is in error. Couldn't the minister clean up that act?

Mr. Speaker: Is that your question?

Mrs. Campbell: No, I said it wasn't, Mr. Speaker.

Has the minister then not made a new mandate for his communications branch to prepare files on all information from possibly critical sources? If so, does this minister consider this requirement to be in accordance with the branch's purpose to "provide accurate, complete and helpful information on the services of the ministry," as cited in the minister's estimates briefing material?

Hon. Mr. Norton: If the hon. member is aware of situations in which the communications branch of my ministry has not been co-operative in providing her information—

Mrs. Campbell: Exactly.

Hon. Mr. Norton: I presume that's what she's referring to, in being critical of sources of information. I would like her to let me know, because certainly it's not common that we receive that criticism. I know we have received it from the hon. member before. If there's anything I can do to facilitate the flow of information to her, I'd be happy to do it.

I've forgotten what the first part of her supplementary was. I know I wanted to respond to it at the time, but I will take a look.

Mrs. Campbell: Mr. Speaker, I would like the opportunity of refreshing the minister's mind. I asked him if there was a new mandate from him to his communications branch to prepare files on all information from possibly critical sources, and if this does not, in

effect, breach the stated objectives of that branch?

Hon. Mr. Norton: Mr. Speaker, I don't think that requires any new mandate. As far as I am concerned, that is the mandate of my communications branch at the present time.

UNSAFE WORKING CONDITIONS

Mr. Deans: Mr. Speaker, I have a question for the Minister of Labour: Will the Minister of Labour review the circumstances surrounding the injury which occurred to a young man at Harleck Industries in Caledonia, in which he injured his hand rather severely and could well have lost it in an industrial accident, and review the whole incident in the light of a statement made by—

Mr. Speaker: There's far too much noise in the chamber. Will you keep your private conversations down please?

Mr. Deans: Thank you.

Would the minister review it, in the light of a statement made by Charles Peirson, who was on the Haldimand regional council, that the Ministry of Labour had been informed three years ago and had again been informed in February 1977 of the unsafe working conditions at that plant? It appears that even at the time of the accident there still had been unsafe working conditions in the plant and that young man may well be permanently disabled as a result of the Ministry of Labour not having enforced the labour standards properly.

Hon. B. Stephenson: Mr. Speaker, although I would find it very difficult to believe that if instructions or directions had been issued they had not been followed up by the ministry staff, I shall most certainly investigate it and report to this House.

LICENCE FEES

Mr. Wiseman: Mr. Speaker, I have a question of the Treasurer. Is the Treasurer or his staff giving serious consideration to treating eastern Ontario the same as northern Ontario regarding fees for car licence plates—

Mr. Breithaupt: I thought that was all done in caucus.

Mr. Wiseman: —in view of the fact that gasoline in eastern Ontario, and particularly in Lanark, is as high as any place I've travelled to in the north with the exception of Hearst?

Mr. Breithaupt: That is what the election was all about.

Mr. Riddell: Gasoline's cheaper in the north than it is in the south.

Mr. S. Smith: We need a Minister of Eastern Affairs.

Mr. Speaker: Will the members from southern Ontario please be quiet?

Hon. Mr. McKeough: I'm a little surprised the Speaker didn't rule this question out of order. But inasmuch as he didn't I would have to say to my friend who has asked whether we are giving this matter consideration that the answer is no.

Mr. Conway: That is the Tory way of thinking. Give eastern Ontario no consideration. You have nothing new today, Darcy.

Hon. Mr. McKeough: The decision of the government with respect to motor vehicle licence fees in the north was not taken simply in respect of gasoline prices—

Mr. Nixon: You were buying votes.

Hon. Mr. McKeough: The hon. member knows nothing about the north.

Mr. Nixon: But they didn't stay bought. Interjections.

Hon. Mr. McKeough: Do you know anything over there about northern Ontario? Do you know anything at all?

Mr. Speaker: Just ignore the interjections. The question was by the member for Lanark.

Mr. Eakins: Tell us about Parry Sound.

Mr. S. Smith: The Treasurer is from north Chatham.

Mr. Speaker: Order, please. The original question was by the member for Lanark and the minister is getting a supplementary from the hon. member for Renfrew South.

Mr. Yakabuski: Mr. Speaker, I have a supplementary: In view of the fact that the wage rates in the areas of Timmins, the Sudbury basin—and we're taking into consideration the layoffs too—are far, far higher than those paid in eastern Ontario—with the exception of some of the federal civil servants or, perhaps—

Mr. Nixon: They should build another Hydro dam in your back yard.

Mr. Speaker: What does that have to do with the original question? Would the member try to enlighten us, please?

Mr. Yakabuski: —the people who work for AECL in Deep River, the wage rates in eastern Ontario are below those of Timmins and Sudbury. In view of that, I think that the hon. Treasurer should give serious consideration to the request.

Mr. Speaker: That's not a question, that's an opinion.

Hon. Mr. McKeough: Mr. Speaker, you're quite correct. That was not a question, it was an opinion. But I detected at the end a bit of an uplift and the points made by both of my friends are good.

Mr. Nixon: There are just you and Lorne in western Ontario. Lorne is doing a better job than you are.

Hon. Mr. McKeough: You haven't got anybody from eastern Ontario either, have you? You really haven't. Of all the bankrupt parties you're it.

Interjections.

Hon. Mr. McKeough: Of all the bankrupt parties they take the cake right over there.

Interjections.

Mr. Breithaupt: How many are from the north?

Hon. Mr. McKeough: I'll tell you, there are a lot more from southwestern Ontario after the member for Hamilton West came into the campaign than there were before.

Mr. Speaker: Does the Treasurer have an answer?

Hon. Mr. McKeough: Yes, Mr. Speaker. The question was will I take this into consideration—

Mr. Reid: The answer is no.

Hon. Mr. McKeough: —and I certainly will.

Mr. Eakins: Mr. Speaker, I'm sure the people of Haliburton will appreciate any reconsideration from the Treasurer. I'm sure they are on par with Parry Sound.

Mr. Nixon: He will arrange to send out cheques before the next election.

OGOKI LODGE

Mr. Eakins: I have a question of the Minister of Culture and Recreation. In view of the ministry's continued funding of some \$80,000 to the Ogoki wilderness lodge and the minister's comments that he is generally pleased with the project—and we too would like to see it get underway—would he explain why a management study is being conducted into the project's operation and which firm has been hired to do it?

Hon. Mr. Welch: I am very glad the member asked that question. I have the answer here some place.

Mr. Conway: Did the minister bring the Minaki file by mistake?

Hon. Mr. Welch: The White Water Wilderness Lodge, which is the correct name of the development, is one whose background of

construction the Minister of Agriculture and Food (Mr. W. Newman) has explained. The Indian community secretariat has provided some funds to assist in the startup costs with respect to the operation and has retained, I think, Dunwoody and Company to do a management study for the very obvious reasons that we wanted some advice on the basis of their review as to how we could be helpful in assisting the native people in that location with respect to the assumption of management responsibilities there.

Mr. Kerrio: Is he an uncle to the director?

Mr. Eakins: Supplementary: Is the objective of the study to explore the project's contribution to tourism or is it confined to the business management of the lodge? Will the minister table the terms of reference?

Hon. Mr. Welch: It's the latter; it's the business of management. I will be very glad to take a look at the specific terms of reference we gave to the consulting firm and advise the member after I have reviewed them as to whether all of this information can be tabled at this time.

SHEPHERD BOATS LIMITED

Mr. Mackenzie: To the Minister of Labour: I am wondering if the Minister of Labour could tell us what kind of advance notice she's had of the unfortunate notice that went out this morning to employees of Shepherd Boats Limited in both Smithville and Niagara-on-the-Lake, where I understand the entire plant is being shut down and the entire force, including office and management, is being let go by February 5, and whether she has anything to report to the House on the situation in that plant.

Hon. B. Stephenson: We were informed by telephone this morning that those facilities would be closed by March 6, not February 5. That complies with the Employment Standards Act as 16 weeks' notice has been given.

Mr. Mackenzie: Supplementary: In fact, 80 per cent will be gone by February 5. There are a few staying until March 6. Inasmuch as the expertise is there and since this is another company recently taken over by Whittaker Corporation in the States, I am wondering whether or not the minister would be prepared to help or offer assistance to keep the operation going with the employees in that particular plant?

Hon. B. Stephenson: The Ministry of Labour has been involved in a number of situations in attempts to keep plants open by helping the Ministry of Industry and

Tourism search for alternative employers and other mechanisms which might be utilized. We would most certainly be interested in fulfilling that role.

NUCLEAR CONTROL BOARD

Mr. Reed: My question is for the Minister of Energy. Based on last week's statement by the minister calling for a meaningful consultation between federal and provincial governments concerning their respective roles in energy policy-making, is the minister now prepared to make a statement of government policy in this area, especially as it concerns the federally-proposed nuclear control board?

Mr. Bolan: He doesn't know that.

Hon. J. A. Taylor: I would have to ask the member for Halton-Burlington to really specify his concern.

Mr. Peterson: Take it as notice.

Hon. J. A. Taylor: I would be delighted to explain the concerns I have had as Minister of Energy in connection with the ongoing relationship with the federal government and our involvement in energy matters. I don't know that that's appropriate in terms of an answer to a question at this time. It would take some time. I would be delighted to discuss it. If the member could particularize the specific concern he has, then I would be delighted to answer that.

[2:45]

Mr. Reed: By way of supplementary: The question was simply is the minister now prepared, since he has called for meaningful consultation and knows that the areas of responsibility have certain grey aspects to them and need to be delineated—I believe that's what he means, that's the way I interpret what he has said—is he now prepared to formulate and make a public statement concerning what he considers to be provincial responsibility?

By way of explanation, one of the concerns, of course, is the whole nuclear question as it relates to the Environmental Assessment Act. We would like a statement as to whether the provincial government is going to put this totally in the hands of the federal government and simply negate the Environmental Assessment Act in Ontario; or does the minister consider it provincial jurisdiction and provincial responsibility?

Hon. J. A. Taylor: If the matter pertains to jurisdiction under the new nuclear control Act, which was introduced in the House of Commons last week I believe, I will be happy to make a statement on that. I have been in touch with Ottawa; our respective

staffs have been involved in terms of the contents of that particular piece of legislation and I have expressed some of my concerns to the federal minister.

There are many areas in which I think it is important to get involved in terms of co-operative or collaborative planning because of the mixed jurisdiction. As the member knows, in energy matters the basic resources are provincial. We tried to make this clear—and I think we did—at the federal-provincial energy ministers' conference last week.

I feel that there is, hopefully, a growing recognition that that impacts in many ways. The hon. member has mentioned the whole question of nuclear power and the expansion of that in terms of heavy water plants, which are basically chemical operations. One also gets into the whole field of management of nuclear fuel, whether it's storage, disposal or reprocessing. Those are all areas where I may say I have my views in connection with what our respective roles and responsibilities are.

If we get into programs such as the CHIP program on installation, as I indicated last week it is a matter of taking into consideration what provincial involvement should be, not only in terms of eligibility but in terms of administration of that program. As I mentioned last week, I think it should be adaptable in terms of varying geography within the different regions in Ontario.

Mr. Speaker: Perhaps the hon. minister could write the member a letter.

Hon. J. A. Taylor: There are a whole gamut of areas on which I would be happy to make public statements if members so wish.

Mr. S. Smith: I have a supplementary. It really takes a brave person—

Interjections.

Mr. S. Smith: It just happens to be a vital issue; unfortunately, it's vital. Can I ask the minister a question?

Mr. Speaker: If it draws a short answer.

Mr. S. Smith: Would the minister consider making a public statement simply saying that the nuclear control board, now proposed federally, ought to be a federal-provincial one? Does he not recognize that that board is going to hold hearings into each nuclear waste situation, and then the province will be in the position of either duplicating those hearings or simply abrogating an area of provincial responsibility to the feds? Why doesn't he demand that it be a federal-provincial nuclear control board?

Hon. J. A. Taylor: Again I would be happy to make public statements on these various

issues and direct an answer to the question.

Mr. Bolan: Demand it.

NATIVE RIGHTS

Mr. Wildman: In the absence of the Minister of Natural Resources (Mr. F. S. Miller), I would like to direct a question to the Provincial Secretary for Resources Development in his role with regard to native rights. I would ask him if he could report to the House on the results of the meeting between Natural Resources officials and the Union of Ontario Indians on Thursday last regarding hunting and fishing rights; the preparation of guidelines for native hunting rights and the administration of the federal Fisheries Act by the province?

Hon. Mr. Brunelle: Mr. Speaker, at that same time the staff of Natural Resources was meeting with the staff of Treaty No. 9; Mr. Rickard and some of the chiefs met with the Minister of Natural Resources and myself in my office. I did not attend the meeting of the staff; I'd be pleased to try to get a report and to get in touch with the hon. member.

Mr. Wildman: Supplementary: I'd just like to clarify that I'm discussing the Union of Ontario Indians rather than Treaty No. 9. I would appreciate it, if the minister is going to provide us with the information, if he could indicate whether or not the province has approached the federal government to try to bring about amendments to the federal Fisheries Act?

Hon. Mr. Brunelle: I would be pleased to include that.

BARRIE JAIL

Mr. G. Taylor: A question to the Minister of Correctional Services: In view of the fact that there was more than abnormal activity in the recreational period at the Barrie jail this past weekend, would the minister consider closing that jail now that it is in excess of 100 years of age?

Hon. Mr. Drea: No, Mr. Speaker. The Barrie jail, while it is old can be made to serve the area for a few more years. What the hon. member is talking about occurred last Wednesday night. For reasons best known to an inmate, a fire was started in number one corridor of the Barrie jail. Subsequently, because it couldn't be determined as to just which inmate had started the fire, cigarettes, matches and other inflammables were removed from everyone in that corridor until the pyromaniac could be detected.

On Thursday night, in a peculiar manner, the inmates of corridors two, three and four

served us with demands about corridor one. The "peculiar manner" was that they ripped out toilets, they ripped out basins, they destroyed television sets, they ripped out radio speakers and they smashed the windows.

Mr. Reid: They were trying to tell you something.

Hon. Mr. Drea: Mr. Speaker, one of the arguments that has been brought forward about the Barrie jail is that it is overcrowded. On the particular evening, it was overcrowded by just one person. I point out that the dormitory section and the female section were not involved in the damage, which was around \$10,000.

As a short-term relief to the Barrie jail—which incidentally not only has to serve Simcoe county but also holds prisoners from the upper end of Dufferin county, particularly the Collingwood area because it is easier for the police to transport people there than farther south—we are investigating the possibilities and the potential of a portable type of institution being developed in the United States—

Mr. Bolan: That's a chain gang.

Hon. Mr. Drea: —which can be erected in one of the exercise yards not now in use.

The Ministry of Government Services has been advised that we consider expansion—which, to be quite accurate about it, is the construction of a new jail for Simcoe county—to be the number one priority of the ministry. I'm sure that if my friend the hon. Minister of Government Services (Mr. McCague) can find the capital, that work will commence in the near future.

Mr. Breithaupt: I'm sure he can find it for Dufferin-Simcoe.

Hon. Mr. Drea: No, I closed his jail.

NURSING HOMES

Mr. McGuigan: My question is to the Minister of Health. Is the minister aware of, and is he investigating, allegations in the London Free Press this morning, in which it is alleged that certain elderly people are being cared for in an unlicensed home and that their friends and doctor have been denied visiting privileges? The address of this home is RR 2, Chatham.

Hon. Mr. Timbrell: Yes, Mr. Speaker, I'm aware of it. I understand that the police investigated and decided—if the reports I have had are accurate—that there are insufficient grounds to continue the investigation; but there is some additional information to come to me, and when I have that I'll report back.

SCHOOL CUTBACKS

Mr. Makarchuk: I have a question for the Minister of Education. Could the minister indicate what reply he is going to give to the residence counsellors of the W. Ross Macdonald School, who wrote to him stating that because of cutbacks certain programs have been eliminated, and also that a dangerous situation exists in that school?

Hon. Mr. Wells: I will be glad, Mr. Speaker, to give my friend a copy of the letter which I wrote to them. I believe I signed it a week or so ago.

Mr. Makarchuk: Supplementary, Mr. Speaker: Is the minister aware of the fact that at the recent fire drill that was held in the school the staff, because of the cutbacks, was unable to get the students out?

Hon. Mr. Wells: No, Mr. Speaker, I am not aware of that, and I would think that if it had been a serious problem it would have been drawn to my attention. I think it is quite fair to say that in the process of trimming our budget, as of course we are doing, and as we expect a lot of other people in this province to do in order to bring spending within the constraint limits that we have, there have to be some tough decisions made; but there will be no decisions made or actions taken that would jeopardize the safety, health or well-being of students in any of our schools.

Mr. Makarchuk: Supplementary: From the tone of the response, "There are none so blind as them that won't see." However, the staff have indicated to the minister—or the management of the school at least was aware of the fact—that during the drill they were unable to evacuate the school—and this was a practice drill—because of lack of staff. What I want to know is, what does the minister intend to do about it?

Hon. Mr. Wells: The first thing I intend to do, Mr. Speaker, is to verify the facts the hon. member has brought to my attention. Then I will make a report back to him.

BANCROFT RADIATION PROBLEM

Mr. O'Neil: Mr. Speaker, I have a question of the Minister of the Environment. I wonder if the minister could bring us up to date on the radon gas problem in the Bancroft area?

Hon. Mr. Kerr: Mr. Speaker, the situation in Bancroft is somewhat similar to Elliot Lake where there is radiation or a radon problem in some of the homes.

Mr. Martel: The Ministry of Housing gave them the go ahead to build.

Hon. Mr. Kerr: It also exists, I believe, in some new houses. We are meeting with Housing people, as well as the federal government which represents some of the mortgage people, with the idea of taking corrective measures in those homes to see if they are safe to stay in.

A form of ventilation can solve the problem, at least temporarily. There is a question of monitoring to see that the levels remain low, in the event that people stay in their homes. This is a study that is going on between my ministry and the Ministry of Housing, as well as our resource development committee so that some plan of action can be undertaken.

Mr. O'Neil: A supplementary, Mr. Speaker: I wonder if the minister could tell the Legislature whether building permits have been restricted or the issuing of building permits has been stopped in the village of Bancroft because of this study; and if so when they may be resumed?

Hon. Mr. Kerr: Yes, I understand building permits have been stopped in respect of new housing in that area where there are suspected high radon readings.

Mr. O'Neil: A final part to my question: Could the minister tell us when this study will be finished so that people will be able to obtain building permits if they are on safe land?

Hon. Mr. Kerr: I believe it will be sometime about the middle of January; there may be a hearing there.

NURSING HOMES

Mr. Warner: Mr. Speaker, I have a question of the Minister of Health. Does the minister believe that the residents of a nursing home should fight it out with the mice for occupancy, or that residents should suffer the indignity of lining up in an open corridor for examination by a podiatrist? When will the minister correct the above situations which exist at St. Raphael's Nursing Home in Scarborough?

Hon. Mr. Timbrell: Mr. Speaker, I have a four-page report on St. Raphael, which I asked for about 10 days ago when I first got word in my office that there was a problem. If the member would like I can read the entire report into the record; or I can send it to him as an indication—

An hon. member: Why doesn't the minister table it?

Hon. Mr. Timbrell: —of the action that has been taken. Inspectors have commented on a number of areas, about six in total. Corrective action is underway in a number of these

areas, including explanations of the problems with the podiatrist and with mice and so forth; that is already underway. I'll send it to the member.

[3:00]

Mr. Warner: Supplementary, Mr. Speaker: I would like to know, first of all, if that is an inspector's report; and if so will the minister table it? If the minister is ready to table it, then perhaps he will table the inspection reports which apply to other nursing homes which I and my colleagues have raised in the past. Further, how many more horror stories must I and my colleagues bring to the minister before he agrees to have a full inquiry into the nursing homes in Ontario?

Hon. Mr. Timbrell: As I told the member in estimates committee I will send, to any member concerned about any particular nursing home, copies of memoranda sent to me by the staff as a result of any inquiry. I will send the member a copy of this memorandum, which details the extent of the investigation and what has been done about it.

DAIRY HERD IMPROVEMENT

Mr. McKessock: I have a question of the Minister of Agriculture and Food. In view of the fact there are a lot of dairy farmers who still can't get on the dairy herd improvement plan—the reason being that the Minister of Agriculture and Food won't supply sufficient supervisors to run that plan—could the minister give me an estimate of the approximate time at which this program might be able to continue and take up the slack for those farmers who still can't get on the plan?

Hon. W. Newman: The dairy herd improvement program has worked extremely well in the province of Ontario. We discussed this in estimates. I don't know how many farmers the member has in his particular area who are not on the dairy herd improvement program and would like to be on it, but as he knows we have to have certain numbers of farmers on a program before we can put a field man into it.

We are expanding; we are taking on a few more than there were before, because of the constraints. If the member has any particular problem involving a small number of farmers—there may be one or two or three—then there's going to be a problem, but if he has around 30 farmers who want to come on the dairy herd improvement program he should let us know.

Mr. McKessock: Supplementary: I have about 30 who would like to get on. Is the

minister saying that if I present him with 30 names a supervisor will be made available?

Hon. W. Newman: I'm saying that if the member will send me a list of the 30, we will be glad to look into it and see what we can do to accommodate them.

APPRENTICESHIP PROGRAM

Mr. Bounsall: A question of the Minister of Colleges and Universities, Mr. Speaker: Since the rumours have been rather widespread for a few weeks now that power linemen will finally be certified in the province of Ontario, when might we expect that confirmation from the minister?

In that same connection, there has been the odd rumour—not as widespread as the fact that there will be certification—that the Ministry of Colleges and Universities will be taking over the Hydro training facilities to accommodate that certification; is this correct?

Hon. Mr. Parrott: May I confirm that we will be having a program of voluntary certification of linemen. There are a good number of details yet to be worked out on how that will occur. We will need, first of all, an advisory committee and I can tell the member today there will be 10 on that advisory committee; which only serves to illustrate my point that there are many details to work out. We will solicit, and hopefully receive very soon, nominees from various component parts of the industry for those positions.

Once we have all of the details in place, a regulation will be put through under our ministry and it will become operative. However, until those things are done, other than to confirm that it will occur I obviously can't give all of the details until they are in place.

Mr. Bounsall: Supplementary: To return to the second part of the question, is one of the considerations for this program that the Ministry of Colleges and Universities will take over and operate the heretofore Hydro-owned training facilities?

Hon. Mr. Parrott: Yes; I'm sorry I didn't answer that part of the question, Mr. Speaker. I would not like to use the words "take over." I think that is overstating the case, but there is no doubt that we will be working with their training school.

There will be some modifications; though I suspect not too many because we feel that much of what has gone on in that school is very valuable and we are not about to throw it all out.

There will be a new arrangement, if you will, with respect to funding; and that is part of the apprenticeship program, as the member knows, we have been supporting very heavily and consistently. So there will be new funding arrangements, yes; but to throw out all of the good parts of that program I think would be a mistake, we hope to work with them and improve it.

ACTIVITIES OF RCMP

Mr. S. Smith: A question of the Attorney General: I may just be a little bit suspicious by nature, but in the letter from the RCMP it says, "Finally, at no time has the force in Ontario sought or obtained medical files from OHIP, nor has it used such medical files for the purposes of blackmail or disruption."

Given that earlier in the paragraph they refer to "confidential OHIP records" rather than "medical files," and given that there is a distinction between enrolment files and claim files and various other things and medical files, can the Attorney General assure us that the RCMP has used no OHIP data whatsoever, or any kind—not just OHIP medical files, but no data of any kind for purposes of blackmail or disruption?

Hon. Mr. McMurtry: Mr. Speaker, that is the assurance I have been given by the RCMP.

Mr. S. Smith: Which one? What I just said or what you said?

Hon. Mr. McMurtry: What the member said.

Mr. S. Smith: No data of any kind?

Hon. Mr. McMurtry: That no data from OHIP has been used for any such purpose.

Mr. Speaker, while I am on my feet, I feel constrained to suggest that I was hoping I might be asked a question through which I could somehow incorporate the name "Stravinsky" in the answer. Those members who have read that very fine article in the Globe and Mail this morning by Mr. Mosher will note that the member for Lakeshore was commenting upon the fact he had never heard the name "Stravinsky" in the Legislature. I just thought I would rectify this regrettable situation.

Mr. Speaker: The time for oral questions has expired.

Mr. Lewis: Stravinsky fiddles while this place burns.

Hon. B. Stephenson: Stravinsky never fiddled.

MIX-UP ON PHOTOS

Mr. Peterson: It has come to my attention, Mr. Speaker, that CBC news on more than one occasion over the weekend had a news story about the hon. Minister of Health, and my picture was shown.

An hon. member: They were trying to dress it up a bit.

Hon. Mr. Grossman: Don't knock it; you will never come closer.

Mr. Peterson: I find this deplorable. In fairness, I do wish him luck and hope it assists him with his leadership campaign, but I would ask that the hon. member send a new picture to CBC and inform them.

Hon. B. Stephenson: It didn't do you much good.

Hon. Mr. Timbrell: Speaking to the point of order, privilege or whatever; I did, this morning, instruct my staff to contact the CBC, not to mention the CRTC, to register a complaint in that regard.

IDENTIFICATION OF MEMBERS

Mr. Kerrio: Mr. Speaker, I rise on a matter of personal privilege as well.

I did not think I should have to bring this matter to the Speaker's attention, but now it has happened that about four times he has introduced me as the member for St. Catharines. I thought by way of one of the pages I might send this picture over to him, and probably the visual evidence might remind him where I stem from.

Hon. Mr. Rhodes: Is that the Buffalo sewer?

Mr. Speaker: I would like the hon. member for Niagara Falls to know that it is appreciated.

MOTIONS

RESOURCES DEVELOPMENT POLICY FIELD ESTIMATES

Hon. Mr. Welch moved that the estimates of the Provincial Secretary for Resources Development be withdrawn from the standing resources development committee and referred to the standing general government committee for consideration not to exceed five hours.

Motion agreed to.

Hon. Mr. Welch: By way of further notice, the standing committee on general government will take those estimates into consideration on Thursday afternoon of this week.

INTRODUCTION OF BILLS

LANDLORD AND TENANT
AMENDMENT ACT

Mr. Wildman moved first reading of Bill 117, An Act to amend the Landlord and Tenant Act.

Motion agreed to.

Mr. Wildman: Mr. Speaker, the purpose of the bill is to provide a remedy to a person who has bought or leased a mobile home, which may or may not be situated in a mobile home park, and is unable to conclude a tenancy agreement with the person who owns the mobile home park. A landlord in these circumstances cannot arbitrarily or unreasonably refuse to make or renew a tenancy agreement, and where a question arises in respect to such a refusal, an application may be made to the county or district court for determination of the matter.

CONDOMINIUM
AMENDMENT ACT

Mr. Wildman moved first reading of Bill 118, An Act to amend the Condominium Act.

Motion agreed to.

Hon. Mr. McKeough: You bring all this stuff in at the end of the session so we don't have proper time to consider it.

An hon. member: And he said it with a straight face.

Hon. Mr. McKeough: No respect for the Legislature.

Mr. Conway: What about our licence plates, Darcy? Would you like a bill for that?

Hon. Mr. McKeough: They're included.

Mr. Wildman: Mr. Speaker, for the information of members, this particular bill was introduced in the last session prior to the election and there has been plenty of time to consider it.

The bill amends the Condominium Act to enable mobile home parks to be registered as condominium projects. The bill also clarifies the existing law by stating that a designated unit can consist of vacant land. This bill thereby provides for flexibility in the development of mobile home condominium projects, by enabling a developer to choose between designating a mobile home park as a unit in itself, or alternatively designating a vacant lot as a unit upon which a mobile home may be placed.

ANSWER TO WRITTEN
QUESTION

Hon. Mr. Welch: Mr. Speaker, before the orders of the day, I wish to table the answer to question 48 standing on the Notice Paper. (See appendix, page 2615.)

ORDERS OF THE DAY

House in committee of supply.

ESTIMATES, MINISTRY OF CONSUMER
AND COMMERCIAL RELATIONS

(continued)

On vote 1402, commercial standards program; item 1, securities:

Mr. Chairman: Are there any comments on item 1 of vote 1402? The hon. member for Hamilton Centre.

Mr. Davison: Mr. Chairman, when we left off on Friday morning—

Mr. Chairman: Order, please. The minister said he had a comment regarding this vote. With the member's permission?

Hon. Mr. Grossman: Just before we begin today, Mr. Chairman, I wanted to correct some information given by me on Friday afternoon to the member for Scarborough-Ellesmere (Mr. Warner). It was a question the member asked me at that time with regard to the aluminum inquiry. At the time I stated that to the best of my knowledge—it was information that we tried to get to accommodate him as the discussion went on—I reported that to the best of our knowledge Hydro was attending the aluminum wiring inquiry on a part-time basis and had not been cross-examining witnesses. I indicated at that time I didn't know whether they had asked for the right to cross-examine or not, and if they had whether it had been granted.

[3:15]

Further inquiries we made Friday afternoon in order to get full and complete information for the member indicated that that information was incorrect.

Mr. Crane, the solicitor of the law firm of Coutts, Crane and Ingram had been attending all the inquiries on behalf of Ontario Hydro. The inquiry had accorded to him the right to cross-examine witnesses and he has been doing so since he was accorded that right.

I apologize for the information given at that time. In fairness, however, I know members who were here on Friday will be aware that the member for Scarborough-

Ellesmere was still talking on the first vote in my estimates and had not waited until the appropriate point, the vote under which the aluminum inquiry properly comes up. Had we waited to provide any sort of answer until the proper vote, then we would have been able to have this information, as indeed I have it this afternoon; but in our haste to accommodate the member with information so that he could rest assured over the weekend we provided that other information.

Mr. Lewis: You are your father's son.

Hon. Mr. Grossman: Thank you, sir.

Mr. Lewis: Boy, oh boy, I'm telling you, this nepotism corrupts on all fronts.

Hon. Mr. Grossman: It's a great thing. You've done well by it, too.

Henceforth, perhaps we won't be so anxious to accommodate the members, but we will continue to do the best we can under the circumstances.

I might also add, while I am on my feet, that the member for Rainy River (Mr. Reid) the member for the Liberal Labour Party, asked for some information with regard to a full list of promoters and underwriters of junior exploration companies. He suggested he had had some difficulties getting that information. I'm happy to report that that difficulty need no longer continue. I have that complete list for him, and should he return to the House this afternoon I shall send it over.

Hon. Mr. McKeough: He's gone north.

Hon. Mr. Grossman: Should he not, I will send it over to the member for Renfrew North (Mr. Conway), who has been attending these estimates regularly, and he can forward it to him.

Mr. Davison: Thank you, Mr. Chairman; and our thanks to the minister for the corrections on the information involving the aluminum wiring inquiry.

Mr. Conway: Just pretend he is the Ombudsman.

Mr. Davison: In the absence of my colleague from Scarborough-Ellesmere, I could, perhaps, also remind the minister that it was not too much earlier in the debate we were suggesting that we should actually wait, not only for the proper vote under the estimates but until the commission had submitted its report and was in fact a fait accompli before we raised any questions with the minister in regards to what was happening at the inquiry.

When I left off on Friday afternoon, I was preparing to raise with the minister a ques-

tion on Inco's involvement and the Ontario Securities Commission's involvement in the recent problems in the Sudbury basin. I'm sure the minister will recall my statements and those of other Sudbury-area members of the House in regards to the effect that the layoffs have had in relation to commitments that had been made by employees at Inco who were being laid off. We heard example after example of an employee who had gone to a mortgage company, or had gone to a loan company or bank and tried to get a loan. The people at the lending institutions said: "We've heard rumours of something happening at Inco and we'll call the company before we give you a loan." They then proceeded to call the company and the company said: "Don't worry, that person is working here and there's no problem." The person then made the commitment on a mortgage, car loan or whatever other consumer loan it was, only to find out a few weeks later he was going to be laid off.

We all share concern on this aspect, with a lesser or greater degree of feeling, but that's not really what I wanted to raise with you; what I wanted to raise with you are comments that have come to my attention in regards to the reasons that Inco has given to the union and to people in the Sudbury basin as to why it was involved in that kind of duplicity with the workers. They have said that one of the reasons they were unable to tell the union about their future plans and the fact that these people to whom they had given a clean bill of health were going to be laid off, was that it would have contravened Ontario Securities Commission and US Securities and Exchange Commission regulations if they had disclosed that information privately.

I understand we have to have fairly strict regulation over securities trading. We don't want to get into a situation where certain investors have inside information and are able to make a killing on the market. On the other hand, even more damaging is the kind of thing we saw in the Sudbury basin just recently. I would like to know the minister's feelings on what he thinks of this reasoning on behalf of Inco, that they couldn't tell the truth because they would contravene the regulations of the Ontario Securities Commission. Where does the minister draw the line between human decency in terms of corporate actions and playing, when it's to their advantage, by the rules of the Ontario Securities Commission?

Mr. Conway: Quite literally an epic challenge.

Mr. Davison: Does the minister have a response or should I continue?

Mr. Reed: Mr. Chairman, point of order? I just wonder: Is the minister intending to reply to each of the speakers, or is he going to wait until each one has had their say?

Mr. Chairman: Generally, during the estimates, the minister replies to each member on the question.

Mr. Conway: I think he would like another question.

Hon. Mr. Grossman: It wouldn't be accurate for me to report to the member that we have investigated that particular explanation given by Inco, except to the extent there appears to have been no inconsistency in terms of that answer. They appear to have complied in all cases with the time of disclosure policy of the TSE and OSC. In simple terms, we have no particular policy, I am informed, which may prohibit disclosure of the type of information which the member thinks may have been more helpful. Just so the record's clear from some of the overtones of what you have said—and it may not be clear—in the case of Inco there is no evidence of any insider trading having gone on whatsoever in the circumstances. Other than that, I really can't help the member very much.

Mr. Davison: I would like some help; and I am sure that people in Sudbury, and other people who might find themselves in similar situations, would like some help from the minister. It's a fairly simple point. Inco has raised the Ontario Securities Commission as a major reason for their being unable to come clean with the workers. Therefore the workers were put in a situation where they now have huge debts and no jobs. I think that, in terms of human decency, is at the least an inappropriate action on the part of Inco.

I am not suggesting there was any insider trading. I am suggesting, probably, the opposite; that to meet the requirements of not allowing the possibility of insider trading what Inco did was shaft its own employees. If, as the minister seems to be indicating, Inco was acting to conform with the regulations of the Ontario Securities Commission, then what is he prepared to do to make sure that in future we don't have any more cases of this?

We have seen Inco workers go out and get credit. The company assures the lender that in fact this person does have a job, that the loan will in fact be a good risk. Then a couple of weeks later, the company turns around and lays the person off. Now that's the thing for which I am trying to find the solution. I would appreciate, and I am sure

other people in the province would appreciate, some assistance from the minister.

Hon. Mr. Grossman: I want to reaffirm essentially what I said before. There is nothing in OSC policy which would prohibit them from making any sort of disclosure to any of the lending institutions that were calling. They may have made some other value judgement on their own with regard to what they wanted to say and when. My point is that this is just not a securities matter. There is nothing in the Securities Commission policy which put them under that sort of prohibition; it was a decision they made on their own. You can criticize Inco, perhaps quite properly; it is just not a Securities Commission matter.

Mr. Davison: I want to conclude this matter fairly quickly. The point is that Inco has said, "We didn't tell you because we are prohibited from telling you that information privately under the regulations of the Ontario Securities Commission and the US Securities and Exchange Commission." If you are suggesting that's not true, that there are no such prohibitions in the Ontario Securities Commission regulations; then Inco is guilty, quite bluntly, of not being truthful with the credit institutions in Sudbury, its workers or the union.

If that is true and it has come to your attention, as it has come to your attention today, then could you not perhaps have a chat with Inco, clear up the matter and get it on the public record; so we don't have companies pulling similar tricks with their workers, so that other workers won't find themselves in the position of those people in the Sudbury basin who are now out of work but have huge debts hanging over their heads? Could you not do something that would stop this problem in the future?

Hon. Mr. Grossman: Again, in the absence of any particulars you can provide me which would, for example, say that Inco was using the OSC or its policies as a prohibition against releasing, or having released, some specific information at an earlier stage, I can only report to you the understanding from the Securities Commission that there appears to be nothing in their policies which would have prevented Inco from having made earlier disclosure than in fact they did.

Mr. Davison: If the minister or his staff took the trouble to read the Financial Post, October 29, 1977, they would find a story written by a Donald Rumball entitled "Union wants stockpiling," which talks about some of the other solutions to the problem at Inco. There is a reference to Inco's explaining to

the union the situation with the Ontario Securities Commission.

I wonder if the minister could have his staff look up that article and then confirm or deny that Inco did that; because if Inco did this, as the article clearly states, it has done something which is morally quite reprehensible. If it is a problem we can stop from happening in the future simply by the minister making sure that companies are aware of this, it would perhaps behove the minister to do so.

I also wanted to draw to the minister's attention an interesting article in the *Globe and Mail* of November 15, 1977, in which the following two paragraphs arise:

"New mining development projects in Ontario have all but dried up in the past 14 months as a result of the restrictive junior mine financing policies of the Ontario Securities Commission, it was charged at an informal meeting of OSC spokesmen and developers. J. P. Sheridan, a Toronto-based promoter and president of Shield Development Company Limited, noted that the only sizable underwritings in that period were by four companies undertaking ventures in foreign countries."

I just wanted to draw that to the minister's attention so he can inform his colleagues in his party that it is not simply the threat of socialist government in Ontario that's harming the mining industry, but rather the effect, perhaps, of policies of his government.

The other point I would like the minister to clear up for me, and it's beyond me how we should deal with it, is the whole matter of these letters I get—as I assume other members of the House do—from Malartic Hygrade Gold Mines. Frankly, Mr. Minister, I am quite worried about them. They raise what appear to me, as a layman, schooled neither in law nor securities, to be rather strong charges as to the workings of the Ontario Securities Commission. There is talk of people making false statements under oath and of resignations. There is talk of the commission placing an embargo on the company; charges of the commission practising a policy of censorship, making it illegal to trade in these shares; and accusations about members and former members of the commission and about ministers of the Crown.

[3:30]

It strikes me as a fairly serious matter with fairly serious charges, the substance of which I can make no judgement on from the material I get. I understand the minister has responded to the letters of the president of the company, J. S. Belton. Since the letters, and therefore the charges themselves, re-

ceived substantial coverage, at least among members and perhaps among the general public, I wonder if the minister might take the time during estimates, or if not simply take the time to submit letters to myself or other members of the House to let us know where the ministry stands on the issue and what response the minister has made to these charges by this corporation.

Hon. Mr. Grossman: First, dealing with the first subject raised by the member, policy 302, junior mining and so on, was discussed here the other night in some detail. Just to repeat, I think we've exchanged some thoughts with the member for Rainy River on some of the problems involved in the industry. Now that we have removed the threat of a socialist government in this province, it gives us time to concentrate on some of the other problems that are of an inhibiting nature. Having got the major one out of the way, perhaps we'll have some time for the others.

Mr. Lawlor: We are just gathering strength.

Hon. Mr. Grossman: Quite seriously, as we talked about the others, I must say The Securities Commission, as we see it, has received all sorts of input, and has taken very great care to receive input, not only from government generally but Natural Resources specifically, as well as from the prospectors, the people who are dealing with it on a front-line basis. It's kind of a new policy, and that input is coming in. We're fairly satisfied there is nothing in the rules which is having an overly restrictive effect upon the potential for developing the industry further.

I know the member will understand that the Securities Commission's mandate is protection of the small investor; we don't see that that is in any way in total opposition to a policy to encourage the type of mining development the member refers to. We think the Securities Commission has currently a pretty workable policy, which is not in itself restricting that development, but it's continually under review.

With regard to Malartic, again we discussed this the other night, we went through this in some detail. I might say that Malartic, from our close analysis and re-analysis of the situation, was treated exactly the same as any other company in the same circumstance. Over a period of the past 10 years or so, under the policy that's been in effect since that time, this is the only person who has taken such severe objection to the policies of the commission. There are dozens or perhaps hundreds of others who have been dealt with exactly the same. We do have a tenacious person here who is bitterly objecting to his treatment.

I want to confirm that everything I have seen, and that we have reviewed in the ministry with the commission, indicates they were treated no differently to anyone else in the same situation. They were treated under the same rules, regulations, policies and laws as everyone else. It does cause some concern when someone continues to write in, being very objectionable with regard to some of the people, some of the very good civil servants we have in the Securities Commission. That causes me some concern.

We have continued to review each communication as it arrives on our desk—on all of our desks in the Assembly—and we find nothing in this to amount to a substantiated objection or valid criticism with regard to any of the members of my very competent staff at the Securities Commission. Each has been reviewed as it came in. The ministry cannot report to you at this time—and, I might add, in the matter of Malartic not in the foreseeable future—that any of the activities of its staff over the last few years has justifiably been the subject of the type of criticisms made by this one person affected by the commission's consistent handling of his matter.

In simple terms, we have looked into the complaints. We find our staff is completely cleared; nothing in here can be substantiated, nothing, we feel, is justified. We have refuted it. The member may differ with us. I would report to the member that if he differs with the conclusions we have reached, he'd be faced with a fight by me, because we have looked into it and we are quite prepared to stand with our staff on that matter.

Mr. Davison: Far be it from me, Mr. Minister, to differ from you, nor of course to be put off by the possibility of a fight. As I said, I am in no position whatsoever to make any comment on the substance of the material. I just know nothing about it.

I appreciate the minister's comments, but it might be more useful, in future when such letters receive such wide distribution as these did among members of the House—I am assuming actually that correspondence has gone to every member of the Assembly—that the minister consider making some sort of comment, perhaps by way of letter to the members of the Assembly, so that we may know the position of his ministry, rather than each member having to write on his own to get an individual response. When something so contentious as this arises, which arises so frequently, might we have from you a statement or a letter to help us?

I suspect estimates are a terribly inappropriate place to deal with this kind of thing anyway. My questions were not so much

meant to be seen as supporting the charges of the company, but rather to get on public record, for the first time as far as I know, some response from the ministry. I appreciate very much the minister's comments.

Finally, I would like a commitment, if I could get one from the minister, to look further into the matter of the Inco situation, to at least have his staff look up that article and perhaps at least inform Inco that there are no such prohibitions, so that if every corporation of size in the province doesn't understand it, at least Inco understands and in the future won't raise this as a defence for what seems daily to become a less and less defensible position on the part of the company.

Hon. Mr. Grossman: With regard to Inco, I do want to make the situation clear. The Securities Commission—indeed all of my boards, commissions and agencies—would be pretty busy if they communicated with every company that blames government or a particular agency for its failure to do something, or for its problems. For one thing, I would have my aluminum inquiry people pretty busy writing letters.

If you want to address the matter, or if one of the Inco people affected wants to speak with the commission on a specific, that would be fine; and you may also want to communicate with me. In fairness, I just do not want to get into a position where a precedent is established so that every time there is some criticism raised, or someone is saying it's the ministry's fault, we are going to start to reply. I would be a constant communicator with the editorial department of the *Globe and Mail*, for example. I just don't want to get into that practice. My statement this afternoon in the House is free and open.

Finally, I will have the Securities Commission look at that article again. They inform me that they have, in fact, seen the article, but they will look at it again for me.

With regard to Malartic Hygrade again, the length and extent to which a complainant is prepared to be obnoxious about his complaints, or come to the border of libel, is not going to be a militating factor in getting me to send out communications to all members of this Assembly updating them on the latest 15 or 16 page letter we have received. I just don't think that would be an appropriate use of the manpower in this ministry. Nor do I think that is the type of thing which will discourage people from going high-profile on complaints they have on the off chance that, maybe, they can stir up enough unrest in this Assembly, and enough disruption of my staff in continually replying to 15-page letters, as

they arrive weekly or daily whatever the case may be, in order to assist their case.

We are prepared to stand on the record of the Securities Commission and the judgement they made in the Malartic Hygrade case, and any others of a similar nature.

To add to that, the Ombudsman now is dealing with this matter. Knowing the supreme confidence this House has in his administration and his efficacy, as indeed I have in his ability to make judgements in any event, I know the House will rest satisfied that the matter being with the Ombudsman members can hear back from the Ombudsman with regard to any of the specific complaints. I am concerned that the extent to which the particular letter writer here is prepared to be totally obnoxious in what he says should not be a militating factor, operating as a catalyst to get us to respond to these lengthy letters.

Malartic Hygrade did have the right to appeal to the courts from the decisions taken by the Securities Commission and chose not to do so. That may be of some interest to the member.

Mr. Reed: I am rising in the absence of our Consumer and Commercial Relations critic, who has experienced a death in the family and is unable to be here.

I would like to say a few words about the Securities Commission, since it involves an industry that has substantially declined in Ontario over the last few years. There are some areas that tend to blame, at least in part, the existence of the Securities Commission for their inability to fund mining ventures; however I understand that just recently, if my memory serves me correctly, you have indeed been cognizant of this problem of the junior investments and the Securities Commission has done something tangible in that regard. I wonder if the minister would be able to explain to the House just how the Securities Commission is treating the junior mining companies at present.

We all realize the importance of the Ontario Securities Commission; there is not one of us who wants to return to the days of the carpet-bagger, or what have you; but I do feel that a lot of our problems with OSC, and with venture capital and so on, are rooted in an attitude toward investment which tends to want to make investment in junior mining stock something of a secure venture.

[3:45]

It has been pointed out that the risk associated with investment in small stocks is very high, but at the same time it is considered to be a thousand times better on a

mathematical or an actuarial basis than investment in Wintario. So I suppose it is all a matter of attitude whether we take a flyer on a moose pasture or whether we really feel that we are investing in something which is or should be solid. However, I do think that there is a reasonable line of understanding which has got to be followed. I often wonder whether we need a new attitude on the part of government, in order to encourage a new attitude on the part of potential investors in the mining industry in Ontario, because, Mr. Minister, we are indeed in a good deal of trouble. If the way things have been going in recent years continues, not only will the mining industry dry up in terms of employment, but what tends to happen is that the expertise in the back-up industries will go elsewhere in the world. That's what they're doing at the present time.

I'm sure the minister is aware that Canada, and specifically Toronto, has historically been the hub of geophysical research and mining exploration and that most of the advanced expertise regarding these new techniques for locating anomalies in the world, has been located right here in Ontario. However, because our own mining industry has been so sluggish there has been quite a migration elsewhere in terms of personnel and brain power. There is money available for this kind of junior mining investment, Mr. Minister. It's here in Ontario. I would like to know if, indeed the minister has relaxed his position on these matters in order to encourage more of this investment and in what way?

Hon. Mr. Grossman: As we were discussing the other night when the subject of policy 302 first came up, and quite legitimately so, the role of the commission doesn't change from good times to bad times. It is always there to provide protection to the person who is going to invest in securities of whatever nature, and in doing so, to make sure that those people involved in the industry are not inhibited unnecessarily—unnecessarily, I stress—by whatever rules are developed.

Policy 302 was conceived and written after extensive public involvement. Everyone from the Ministry of Natural Resources right through to everyone in the industry had ample opportunity, and did avail themselves of the opportunity, to have input into that policy. Even after it was brought in, in April 1976 I think it was, it has continued to be under continuous review.

I know the member will acknowledge that having come in in April 1976, policy 302—which is the subject matter of all this discussion—could hardly have been said to have kicked off the downturn. It all started long before April 1976. I would be concerned to ensure at all times that none of our policies are so restrictive as to inhibit the bringing to life of that industry.

I think also some discussion may be appropriate in these estimates as to whether the role of the Securities Commission should be reviewed. I'm not suggesting that it should be, but I think you may want to address yourselves to the question of whether the Securities Commission—which after all is there with a mandate to protect the person who's buying the security or thinking about buying the security—whether it should change to one of concern about stimulating growth in the securities field and in mining, if that might be appropriate from time to time.

It would seem to me that a good argument could be developed that it ought to remain with other sources. For example in the case of mines, it could remain with Natural Resources to look after mining policy and see that the appropriate conditions are there, be they tax or other conditions, which would encourage the exploration of mines. Then it would remain in the Ministry of Consumer and Commercial Relations to ensure that in the raising of capital for that development out there, there is protection for the small investor, particularly as he or she chooses to invest in that property that's being developed as a result of whatever policies government may have, be they tax concessions or whatever.

Again, that is not currently the commission's mandate. It is not a mandate to stimulate or encourage, but rather to provide protection without operating as a damper unnecessarily, unless it is a particular case where we may have to make a bit of a trade-off. But, hopefully, the object of the exercise really should be to make sure there is no fraud occurring in the marketplace rather than ensuring no one is going to lose money. Of course, people are always going to lose money out there. We can't ensure they're not. That's not what the commission is supposed to do. We're supposed to make sure there are no frauds, no misleading information and that sort of thing.

It would seem to me full disclosure should not be an inhibition to the raising of capital in any way whatsoever. That's the main thrust of all these policies, to ensure there's

full disclosure out there, there is nothing hidden and the information is truthful. Having said all that, I want to add there is no question of the state of the industry at the present time. I do, however, want to be fairly specific in saying I don't think the industry is suddenly going to revitalize if the Securities Commission, all its rules, regulations and policies disappeared tomorrow morning. It just is not. I think it's fair to say the policies of the commission should not unduly inhibit the bringing to life of the industry when the industry comes to life.

You may be interested in this. I was just informed that public financing in Ontario is currently at the rate of \$4 billion per annum with junior mining having between \$5 million and \$6 million. So that sheds a bit of a perspective there so you should know the size of the problem when you are concerned about it.

Currently there is a study going on through the Ministry of Natural Resources. They funded a study. The figure, I think, is \$60,000. It was done by some very reputable people in the industry. It's called Natural Resources Incorporated. As a matter of fact, I had a chat with them just recently and they're studying the whole problem to which the member referred. I think that study will be in some time next year. Yes, I'm right, in February or March of next year.

That will tell us a lot more about the problems that the industry is facing. Indeed, if they have any comments with regard to 302 or any other policy of the Securities Commission, I want to assure the member we'll be the first ones to look at it very carefully—if my colleague, the Minister of Natural Resources (Mr. Bernier), hasn't called me by that time to let me know. We'll be dealing with those recommendations if, in fact, they have any comments on the OSC policy. We'll make sure those recommendations are looked at and dealt with expeditiously.

Mr. Reed: Does OSC still comment on the viability of a particular property, as to whether in their opinion a particular mining property is a sound operation from the point of view of the amount of ore that is supposed to be in the ground, or may or may not be in the ground? At one time OSC did I know and it came under a great deal of criticism.

Hon. Mr. Grossman: Yes, that's true. As a result of that criticism a system of ad hoc independent bodies was set up. Those decisions are now made by these ad hoc committees comprised of one of each of the following: A representative of the Prospe-

tors and Developers Association, who chairs the committee; a representative of the professional mining engineers and a representative of the Ministry of Natural Resources. That independent three-member committee now does the job formerly done by my Securities Commission.

Mr. Lawlor: I have two or three matters, Mr. Chairman. I would like to comment on the Malartic situation.

When I read this letter some time ago, I did question in my mind under precisely what kind of an authority Mr. Bray was operating. Is it within the ambit of his office to issue instructions to the Broker-Dealer's Association rather than, for instance, if he feels there's anything deeply wrong, to suspend trading or to do those things which are more directly under his control and which commendably on the occasions in question he does do? He seemed to proceed somewhat differently on this particular occasion. I would like to have some assurances on that head.

Hon. Mr. Grossman: So that you will know and identify the source and authenticity of my answer I want to tell you Mr. Bray assures me that the allegations you have made are false.

Mr. Lawlor: I don't know what allegations I have made so far. I am getting around to allegations.

Mr. Reid: He is getting around to that.

Mr. Lawlor: I just asked a question whether the gentleman was acting within the scope of his powers under the Act.

Hon. Mr. Grossman: I was anticipating your supplementary. The answer to the first is yes.

Mr. Lawlor: Since it's in the hands of the Ombudsman and since he reports to a committee on which I now sit, I shall abide its coming up.

What is the experience with the Securities Commission with respect to various types of tax shelter vehicles? Are there quite a number of approaches to his department or office in this regard? To his knowledge, are the practices under MVRBs and with respect to motion pictures and what not, in order to set up the kinds of trusts and other devices that have been used, fairly widespread? This is kind of difficult for him to answer, but is there any feeling in the department that a fair amount of this escapes their scrutiny?

Hon. Mr. Grossman: The interests that the member refers to are generally speaking securities, and the registration and prospectus requirements of the Act do apply to them. In fact the Securities Commission did antici-

pate there were some which were getting by and were not being caught. As a result, one week ago Friday, I am informed, a notice to the profession—that is your profession and my profession and the others', if any—was published. As a result, some calls have come into the commission inquiring whether something or some particular enterprises do or do not fall within the Act. Those that do are being dealt with at the present time.

Mr. Lawlor: Have there been any points raised in the past as to the definition of securities as applicable to some of these fairly devious schemes, et cetera, which, if tested in the court, very well might fall outside the range of the definition? Have there been any challenges, in other words?

[4:00]

Hon. Mr. Grossman: I have before me and I'll read it for the benefit of the member, "Notes with regard to a Supreme Court decision; Pacific Coast Coin Exchange matter." This decision, released November 16, 1977, is an important decision, in terms of the securities legislation.

"By a majority of eight to one the court held that remedial legislation, such as the Securities Act, must be construed broadly and must be read in the context of the economic realities to which it is addressed. The Supreme Court was of the opinion that the legislation was not aimed solely at schemes that were actually fraudulent, but rather that it related to arrangements that did not permit customers to know exactly the value of the investment they were making.

"The court stated that it was clearly legislative policy to replace the harshness of caveat emptor in security-related transactions and that courts should seek to attain that goal, even if tests carefully formulated in prior cases proved ineffective and must continually be broadened in scope. The court stated: 'It is the policy and not the subsequently formulated judicial tests that is decisive.'"

There was a dissenting judgement, not surprisingly Chief Justice Laskin, who declined to enlarge the scope of statutory control in undefined areas. But the majority of the court clearly was of the expansionist nature, and I suppose, as an example of a live and developing legislative interpretation.

Mr. Lawlor: Was that judgement directed to commodities futures trading particularly under the Corn Exchanges, or was it restricted not to futures trading but extant trading?

Hon. Mr. Grossman: Not commodities per se. The full decision will be published in the December OSC bulletin, which the member will be getting.

Mr. Lawlor: We have had before us for quite a while a brand-new Securities Act, which I take it the minister is letting lie fallow in order to receive pertinent comments about it. I heard him say in this House the other day that he intended to bring that, together with two other pieces of legislation, here forward in the spring. Therefore, I don't think we should on this particular occasion dwell too greatly on securities. We will have plenty of opportunity to scapple that when the time comes, and when there is somebody in the House who knows something about securities happens to be here, namely my colleague, Mr. Renwick.

But leaving little things aside—I mean mere knowledge—and I do want to mention Stravinsky while I am on my feet, although I don't find him particularly pertinent to this debate. What provisions are you making with respect to the select committee on corporation law report touching takeovers, mergers and amalgamations? Have you made specific reference in your new legislation about corporations escaping criminal liability for their actions simply as the result of amalgamation? Has that been adequately provided for? That's really two questions: What's embodied in this new legislation arising out of the committee report; and the second one, having to do with the criminal liability.

Hon. Mr. Grossman: The report of the select committee was fully dealt with by the ministry when preparing the Securities Act, 1977, as it appears in Bill 30 on the order paper. I'm informed, although I obviously was not on that select committee, most of those matters dealt with by the select committee show up in the legislation—some that haven't been dealt with in other ways, with the exception of the private agreement provisions which you may recall from my statement in the House are under some review at the present time.

Once again, I'll read you from my statement exactly what is under review: First, the closed system of registration and prospectus exemptions; second, the rules regarding the regulation of mutual funds; third, whether some modified version of the present private agreement exemption found in the takeover bid part of Bill 30 should be restored to the bill. We're looking at those again, specifically, with the new chairman

of the committee. We'll deal with it as a package—what's in there now plus the review of the private agreement provisions of Bill 30, those recommendations of the select committee.

With regard to the amalgamation loophole referred to in the second part of your question, I'm informed that the courts have, in fact, closed the amalgamation loophole in a decision known as Black and Decker, the same people, I guess, re Black and Decker, Supreme Court of Canada. Perhaps I could arrange to have a copy of that decision sent over to the member.

Mr. Lawlor: I would very much like to see it. Wasn't it also closed by the federal Corporations Act at a subsequent date to our report?

Hon. Mr. Grossman: I can't tell you offhand, I'm sorry. I can't tell you offhand. I don't know. We'll try to get that for you.

Mr. Lawlor: My feeling was that it was, that the feds covered the ground.

Hon. Mr. Grossman: Might have.

Mr. Lawlor: Okay.

Mr. Williams: Mr. Minister, I've been listening with interest to the discussion revolving around the specific Malartic situation. Reference has been made to ongoing correspondence I guess all members of the Legislature receive from the specific individual geologist who is continually critical of certain individuals and the commission as a whole.

I'm not going to dwell on those points. A number of the members in the Legislature have already raised questions with you and you have responded accordingly. I'd rather come back to the points being made in a more general fashion by the member for Halton-Burlington when he was talking about the general concern of one segment of the mining industry in particular, the junior mining companies as they're so-called.

I must say, Mr. Minister, over a period of time I have had on more than one occasion discussions in various settings with people whose livelihood is dependent on the mining industry. They have been critical of the commission as being a quasi-legislative body that has been somewhat inhibiting in permitting them to develop to their full potential as mining corporations because of what they have alluded to as being overly stringent requirements, overly stringent procedures, overly stringent demands as to the amount of material that has to be filed with regard to qualifying to even get registered to offer securities to the public at large.

I hasten to say that unfortunately, all too often in these situations, they've been more passing discussions than discussions in detail, so I'm unable to cite chapter and verse to you the specific instances of alleged abuse of the over-bureaucracy, if you will, that they experience in this situation.

So I can't give you specific examples. But as I say, on more than one occasion in speaking with people in entirely unrelated settings basically the same criticisms arise. It causes a certain amount of disquiet in my own mind as to whether there is some justification for reassessing the rules and regulations under which we govern the mining industry, which of course does have to be properly controlled to protect the investor public.

At the same time, it would be unfortunate if the rules and regulations as they have been promulgated and are in force were so restrictive as to inhibit a sector of our economy that I think is being lost sight of as being still a very large contributing factor to the economy of this province.

I think the large percentage of the population which lives in the southern climes of our province, representing 90 per cent of our population, has tended in recent years to lose sight of just how important a continuing factor the mining industry is to our economy, and the fact that a good 25 per cent to 30 per cent of our whole economy is very much dependent upon the well-being of our mining industries.

Mr. Reid: A lot of jobs in southern Ontario depend on it.

Mr. Williams: Indirectly very much so; indirectly a lot of jobs can be dependent upon the well-being of the mining industry. It is because of these concerns expressed to me that I ask you several questions, Mr. Minister.

Before I come to those, I just want to add one further rider. In each of these recent discussions the individuals I have spoken to, individually or collectively have acknowledged that part of their problems are the general economic conditions confronting the mining industry on a world-wide basis. The second reason for their current plight they state to be the mining tax legislation, primarily at the federal level but aggravated by that at the provincial level. While recognizing these as being two factors that seem to be giving their industry concern, they specifically point out the over-zealous activities or controls of the commission as being a third very definite factor making it

more difficult than necessary to let their industry reach its full capacity.

I think you almost invited in your comments that perhaps the time had come for a general review to be made of how an already generally effective commission could be made more efficient, to not only serve the general investing public but perhaps to, at the same time, make it less difficult for the mining industry to flourish in this province.

Mr. Lawlor: You keep on reading Mr. Honsberger's letters, I'm sure.

Mr. Williams: I haven't seen Mr. Honsberger's correspondence for three or four months now as a matter of fact.

Mr. Lawlor: He's been neglecting you.

Mr. Ziemba: Get you back on the list.

Mr. Williams: I did point out, as a matter of fact, that I was making reference to conversations with persons other than that particular correspondent who, I think, other members of the House have made more than enough reference to this afternoon already.

[4:15]

What I ask, Mr. Minister, after those long introductory remarks is: When was the last time that an overall review of the commission was made, other than burning down the procedures under 302? An overall review of a far-ranging nature would give us some insight into just how effective the commission has been in all quarters, not just as far as the share-purchasing public is concerned. And how does the Ontario Securities Commission procedures, guidelines and regulations compare with those of our sister provinces? I am not totally conversant with the comparisons that exist.

What essentially is the difference between our commission and the US securities commission in their dealings with the mining industry and in particular, the junior mining sector of the mining industry? I am not aware of these same types of concerns being expressed by people in this industry when dealing with these other commissions in these other jurisdictions. Is there a basically uniform system that prevails in these other neighbouring jurisdictions or do we have something different that makes it just that much more difficult to do business in Ontario as compared to the other jurisdictions? If so, is it done with justification or are we being too restrictive in the controls we impose in what we consider to be the interests of the public a large?

Perhaps, Mr. Minister, you would choose to comment on those matters before I raise further questions.

Mr. Lawlor: We are gentle as compared to SEC.

Hon. Mr. Grossman: First, the Securities Commission has not undergone a specific review of the nature spoken of by the member but rather a continuous review from within with regard to its procedures and when it gets to a specific policy development such as 302 referred to earlier. It is noteworthy that the commission has had an opportunity to be self-renewed in the sense that it has had a new chairman rather regularly over the past period of time. This will occur once again on January 1 when Mr. James Baillie, a very active and experienced Toronto securities lawyer, comes on board for several years as the new chairman. We look forward to Mr. Baillie looking at the procedures, as indeed his predecessor did, and affecting some changes in order to make sure that it continues to be a living and responsive body. Mr. Baillie, I might add, is a practising lawyer from downtown Toronto and will be in a position to bring to the commission, some of the perspective referred to by the member. Mr. Baillie has dealt with the commission for many years as an outsider and would understand some of the bureaucracy, if in fact there is any, to which the member refers. I am looking forward very much to receiving Mr. Baillie's input and seeing what recommendations he may have with regard to changes in procedure.

With regard to the ongoing review, I should refer once again to the Natural Resources Incorporated study that is going on which will be reporting in February. It is a good example of how the Securities Commission has an opportunity to have its policies assessed from time to time. This one is being funded by the Ministry of Natural Resources and I look forward to seeing what they may say about the procedures of the Securities Commission.

The member asked some specific questions with regard to other jurisdictions. Our Act in Ontario is generally followed as the model for all of Canada. I am told that as a result the policies throughout Canada are basically uniform. They do follow our model and indeed several provinces are awaiting our new Act to make decisions as to where they are going. They have been following the progress of our new Act closely.

With regard to the Securities Exchange Commission in the United States, I am informed that the OSC is substantially less bureaucratic than the SEC. When stacked up against the other Canadian jurisdictions we are the same, our Act being the model substantially. With regard to the American ex-

perience, the SEC rules are generally thought to be more restrictive and more bureaucratic.

I do want to assure the member that the OSC continually reviews its procedures, it has an eye on what is happening out there in the marketplace. It is particularly concerned with any suggestion that the commission may be restricting new development unnecessarily, or throwing up unnecessary bureaucracy. I can understand people in the industry reporting that complaint to him. It is not unique to the securities field. I can take him through many sections of my ministry and, he would see someone, or some group, in almost every industry is saying there is too much bureaucracy. Sometimes, however, they find they have specifics in telling us where some of the filings are not needed.

It may be the case, from time to time, that there is too much bureaucracy. I am the first one to be sensitive to that sort of allegation. As a result, I will be looking very much forward to Mr. Baillie coming on board so that he can begin to look at it and bring his perspective to the commission. I can assure the member that if there are any parts of the system and the filings and the registrations required by the Securities Commission that are not appropriate, or they are not serving a function any longer, they will be changed as quickly as possible.

Mr. Young: I am sure that the minister is aware that every member of this House is extremely anxious to see that money invested in the development of our mineral resources in Ontario is used for that purpose.

I am encouraged by his point of view. We all remember the days when it looked as if about 90 per cent of the money invested in junior mines went into the pockets of the promoters, rather than into the hole in the ground. I hope that day is past, so that people who are investing in the future of Canada in good faith are actually investing in the developing of this kind of thing.

I would like to turn the minister's attention from the juniors this afternoon, to the seniors. As he knows, and as we are all aware, there are certain very large industrial empires in Canada, centred in large measure here and in Montreal, where a great deal of economic power is brought together and centred in these groups. I can use one as an illustration, where companies like Dominion Stores, Hollinger Mines Limited, Massey-Ferguson, Standard Broadcast, Crown Trust, Domtar and all their satellites are gathered together under the Argus empire. The control of these various companies is vested, to a large measure, in the Argus Corporation.

All these companies and all their satellites and all their ramifications are on the stock exchange and the investor has a chance there to see what their assets are, what their prospects are. So he openly invests in what he considers to be his future and the future of those companies and he is hoping that he is playing a part, not only in his own enrichment, but the enrichment of a nation.

But above and beyond that, in the case of Argus, for example, you have a company called Ravelston Corporation, which has over 60 per cent of the shares of Argus Corporation. The Ravelston Corporation is controlled—owned actually—by half a dozen of the most powerful and the most wealthy people in Canada. Peter Newman, in a footnote in his book *The Canadian Establishment* writes: "The Ravelston partners have first call on each other's stock so that no outsider can get in. The no-raiding provision extends even beyond the grave. When another generation of owners comes along, should any combination of partners want to sell their Ravelston shares at a premium (because the prize at stake would be control of Argus), then the other partners are guaranteed an equally high price for their holdings."

Could the minister tell the House what supervision there is for a corporation such as Ravelston, and, of course, the power group have the same sort of top-flight control in Gelco Enterprises. There may be others across the country.

Where I quarrel with this and where I want to know about it is that in the ordinary corporation, up as far as Argus, the shares are there to be bought and sold. We take our chances. But in Ravelston you have half a dozen rich, powerful men, who not only control that corporation but they control the whole economic process down through the subsidiary chain. They have a great deal to say about the value of shares; about the trading practices; about the kind of income which can be transferred from one company to another; and about whether one company shall do the bulk of business this year and another. And then, of course, they can determine what assets of this chain come up into Ravelston for distribution at that point among the very closed group.

This private club can make these decisions about the public companies, and yet the public has nothing to say. They can't even get in and buy the shares of that corporation.

I wonder what control there is over an entity such as this one, where the whole structure of the economic life beneath it is at least affected, and affected very, very strongly?

Hon. Mr. Grossman: I think I followed the member's remarks. In fact, I even read the

look. Really, what he's outlined for us is certainly not unique to the company in question, Ravelston is it? Or Argus or whatever. It's a not-unheard of situation for a small group of people in fact, either directly or through another company, a private company—I think Ravelston is a private company—to own a large block of shares in a public company. Indeed they may own a small block of shares in a public company but that small block may be a controlling block in a large company. They exercise whatever power they may have, obviously, through the equity, the capital they've purchased in the company.

That, I would think, is a matter of public record. Disclosure is certainly the keynote of our legislation here in the province. The small shareholder knows who controls a company and the extent of that control. It's there. A small shareholder may choose to buy or may choose not to buy on the basis of the control or potential control exercised by that handful of people. I don't know what specifically the member is suggesting we ought to do. Is he suggesting we break up small control blocks or whatever?

You'll note that in the new Securities Act some attention is paid to takeover bids where small shareholders are sometimes left behind. It's precisely for that reason some new securities legislation is going to be introduced again and this time passed in the spring to deal with that specific problem. But I would think subject to that takeover situation, the small shareholder either does or should know the rules of the game when he gets into it. It's a fact of life that there are some large, powerful corporations in a position to acquire control of companies—hopefully for the better, sometimes for the worse.

If the member has some specific suggestions as to the violation he may suggest is occurring, or could occur, and what he would recommend, I'd be pleased to hear it.

Mr. Young: Mr. Chairman, I have no specific suggestions to make here except this. The small shareholder can't get in here. There is no share on the market he can buy. But the power of this small group is almost infinite as far as the whole chain of public companies is concerned.

[4:30]

I can understand a family company such as Eaton's, where the outsider, perhaps, has no right to have any great interest. But if I'm shareholder in one of the smaller companies—say Dominion Stores, Domtar, or Massey—and I know that at the top of the pyramid there is a group which can guarantee a very large proportion of what is made

by the companies can be brought up into that final treasure—and there is absolute certainty that they can bring massive amounts up there for distribution among themselves; that's where their wealth primarily comes—then I am concerned there be some public record of what they're doing to the public companies in the chain down along the way.

Surely there is a right among the shareholders of these other companies to know how much of their assets are being siphoned off, and whether there is an undue amount going into the top echelon for distribution among the wealthy and the powerful, who hold a closed corporation at that point. It should somewhere be a matter of public record as to how much of those assets is being drawn up, and how much is being distributed to the people who hold the control.

Hon. Mr. Grossman: If the member will think about what Mr. Newman is writing, if that's what he's referring to, he'll get this picture. If there is siphoning, whether it's a company with one siphonor and a thousand siphonees, or the reverse, it's an offence. There should be no siphoning, small amounts or not. There is no such thing as an undue amount of siphoning; either there is siphoning or there is not. However, the member is using siphoning in a pejorative context, and has some hint of fraud or misappropriation. Therefore there is no such thing as an undue amount. If it is going on it's going on.

Mr. Young: It is an exercise of economic power, that's it.

Hon. Mr. Grossman: It's not unique to the company he's talking about. For example, he's talking about a situation where a small handful of people are controlling a company way up the line. The purchaser of a share of—the example he gave was Dominion Stores—doesn't know how much money is being siphoned out of his interest up to the small powerful group.

Let's establish a couple of things. First, the small powerful group he refers to is, in fact, a unit, an individual. It happens to be a private corporation. It's the same as you, your colleagues, my colleagues, or anyone having their own private company. It's no different in that sense that if the Eaton family happened to be there; it's a private company.

This is a private company which happens to be a vehicle through which some very powerful, and maybe not so powerful people, have chosen to invest their money. That private company has made decisions. It

could decide to buy land, it could decide to buy an airline. In this case it apparently decided to buy some shares in a publicly-owned company.

There's no secret about that. There is not the slightest secret that company R, or whatever it is, has made a decision to purchase so many thousand shares. Whether it's one person buying all those shares or a company comprised of fewer than 50 really should be academic to the purchaser of the share in Dominion Stores. It is one unit which has a certain amount of power through the shares of the other company, the public company. The number of shares in the control it exercises is not a function of the number of people in the private company.

There is nothing secret about the private company. The member or anyone else buying shares would have no right to buy into the Eaton family. If it were the Eaton family holding that share, there is no access to the Eaton family; the Ravelston company or whatever it is is a private company, and there is no access to it. So, in terms of the company up top, surely it is the amount of control it buys with its money and not the access of someone to its shares that is the relevant consideration.

It seems to be the relevant consideration is where the shares are in the publicly-owned, publicly-held company that the member may want to buy a share in. If the member has 100 shares in that company, what he wants to know when he makes that decision are, it seems to me, many things, two of which we can talk about. First, who owns what shares in the company? And what's the extent of their control?

That's a matter of public record. It's academic whether you end up discovering the controlling interest is owned by a private company in which you can't buy shares or whether the controlling interest is owned by Patrick Lawlor, QC, who has a lot of money and in whom you can't buy shares. What's important is that you know who they are and the extent of that person or company's control. What are they doing with that control? If they are siphoning money, as the member puts it, then it doesn't matter whether it's the private company, Ravelston or Patrick Lawlor, QC. they shouldn't be siphoning money.

What that unit with this large body of stock can do is only take money in accordance with their pro rata interest in the company, whatever the dividend is per share. They are going to get a heck of a lot more money because they have put in a heck of a lot more money and purchased that much more interest

in the company, but per share, they shouldn't be taking any more than the shareholder with one share or 100 shares. It's obviously on a dividend per share basis.

If there is anything amounting to benefits because one is an insider and there is improper insider trading then it doesn't matter if it's Lawlor, QC, or the Eaton Company or Ravelston Corporation. If they are using the information they have, if they are using the private control they have of that small amount of the stock which gives them effective, powerful control, to the detriment of the small shareholder, then it always has been and always will be, a violation under the Act.

The new takeover provisions for insider bids and issuer bids in the OSC rules as they are now are to assure greater fairness for minority shareholders, as are some of the proposed changes to the Securities Act. Those are all in place to protect the minority shareholders against the sheer size and power, more the value of control of a company, rather than what that control block is doing on a day-to-day basis. If the control block is stealing from the minority shareholders on a day-to-day basis, siphoning to use the member's word, that always has been a violation. Our attention is being turned now to whether there's a great amount of inequity in a situation in which your 100 shares, trading at the same value on the stock exchange as Lawlor, QC's 5,000 shares, should be treated differently in a takeover situation. Are Lawlor's 5,000 shares worth more simply because they amount to control?

I suppose to a purchaser they are worth more. Whether that is tantamount to an inequity to you who bought your shares figuring they were worth the same as each of Lawlor's 5,000 individually, is a matter for some debate and concern—hence some of the new policies of the OSC and the consideration that's going into the new Act. I hope we have covered all the permutations and combinations for you.

Mr. Young: I gather then from what the minister said, Mr. Chairman, the Ravelston Corporation is actually listed with the Securities Commission. Its shareholders are known. Its assets, the figures, are there for inspection.

Hon. Mr. Grossman: Just to clarify it, we don't know anything about Ravelston Corporation. The details of who owns what in that company are not known any more than we would know the names, addresses, phone numbers and relative holdings of each of the Eaton brothers. But the interest of Ravelston Corporation as a shareholder and the numbers of shares are of course on the share register of the company, a matter of public record.

All the financial dealings of the publicly-held company are a matter of public record. The purchaser of shares could have his stockbroker go in and find out who is really running this company.

That's the question you want to know: Who is running the company and how have they been running it? That should be disclosed through the dividend record, the financial records and the statements on file. That is all open, so in that sense it's as legitimate a question as a large company may ask about each of the individual shareholders. I suppose from time to time they do find out because they want to know whether the company that buys small control blocks may be subject to losing control because of some identifiable small shareholders who may want to band together.

I think it is relevant for the member to be aware that all the information on a public company, including who holds what shares, is available on public files at the Securities Commission's new premises at 10 Wellesley Street. You come in, look, and find out the extent of the control and who has it. With regard to Ravelston Corporation or whatever, I suppose you do a corporate search across the street and find out who the shareholders of that company are, if you found Ravelston on file as holding shares.

Mr. Lawlor: Just one further question on securities. There is a move in North America, and I would like to know how much in Ontario, for public companies to pick up their own shares and to convert back to private corporations because their stock market quotations are undervalued. The directors consider if they reconvert to a private corporation they are closer to the true market situation touching stocks, should they subsequently desire to sell.

Is that a phenomenon that is occurring, and to what extent does it affect Ontario? Does it come through the securities people in the process?

Hon. Mr. Grossman: Yes, it is a concern. In September 1977 policy number 337 was adopted by the commission. It deals with the problem of issuer bids and sets out disclosure rules on repurchase by issuers of their own securities, including, where appropriate, independent valuation of the issue as a going concern.

There is also a policy statement, I am informed, on takeover bids as related to this, which has just been put out in the last two weeks. Yes, it is a phenomenon that is occurring here and some policy statements have been developed to deal with it.

Mr. Lawlor: You say it is a problem. What I am asking, too, is to what degree it is a problem? Are there quite a number of these conversions taking place? Have you any numbers on it? Do you consider it a retrograde step?

Hon. Mr. Grossman: There were about a dozen last year.

Mr. Williams: Just an isolated question, moving away from the mining industry as such and coming to the item dealing with registration of scholarship fund dealers. I notice the number of dealers in this specialized field is very limited. I recall a few years ago this was a type of investment that was very much in vogue and there was a great rash of activity in this area. I think this must have been about 10 years ago. Frankly, I just don't know what the current status is with regard to the sale of this type of security or investment, or whether there has been a complete demise of this type of investment available to the public or what happened. But I know it was a very popular commodity at one period of time. Could you enlighten me, if not the other members of the Legislature, on that point?

Hon. Mr. Grossman: It's not so popular any more. There are to our knowledge two scholarship funds at most. There's one operating in Quebec only and one operating across Canada. So there are only two. There were three at most at any one time. In Ontario, at least, they are not particularly popular.

[4:45]

Mr. Williams: Are they active at this time, Mr. Minister?

Hon. Mr. Grossman: Just one, Canadian Scholarship Foundation.

Mr. Williams: How broad are the activities of this particular fund? What is the extent of the investment made in the fund to this point? Do you have any information on that?

Hon. Mr. Grossman: It's operating across Canada; we don't have any figures with regard to how many dollars are being invested in Ontario.

Mr. Makarchuk: Do you at any time go and see that there is an agreement in existence between the people who sell the fund and the trust company that stores the money and pays the interest, to see that the people who purchase the fund are getting a fair break? In other words there may be agreements in effect; the trust company may be collecting eight, nine, 10 or 12 per cent on the fund and returning four or five per cent

to the fund. Does your department at any time look into these agreements and find out what relationship exists and what payments are made into the fund? Also, is a proper audit ever done of the fund to see that all the money is actually turned over?

Hon. Mr. Grossman: We receive a proper audit every year, in conjunction with a prospectus filing which must be filed annually with the commission. I'm informed the agreements are examined as well.

Mr. Makarchuk: It is sold at times. The reason I know something about it is that I was involved in this years ago—through a fairly high pressure operation. Is whether the consumer is getting a fair break on these funds a matter of concern to you? Do you investigate them?

Mr. Lawlor: So, he finally said it.

Mr. Makarchuk: I started one of them.

Hon. Mr. Grossman: There is no question about it; we do not get into value or quality judgements with regard to the practice. With securities, mining stocks and so on, some are subject to high pressure sales and some aren't. I think the members would have complaints if we made those value judgements. Indeed, we'd be talking about who assesses the legitimacy of a mining property and making sure that we're not just arbitrarily sitting up in our office saying, "This isn't good enough." All we can do is make sure that there are proper audits, prospectuses are filed, and there is full and complete disclosure.

I don't think the member would suggest we pass a value judgement as a policy, other than making sure that it's watched carefully, restricting the sales and watching the charges involved.

Mr. Makarchuk: I feel there is a difference between mining stock and this, because it operates on a non-profit basis, has a board of governors that represents universities, or represents itself as being associated with some institution. When people are buying or enrolling in the fund, they may somehow get the impression they're actually getting a fair break. The understanding is that \$100, or whatever the rate is, of their initial investment is going to go for the administrative and selling costs, and the balance is turned over to them. It goes into the fund which will eventually be split and doled out to all those who will be going to universities or community colleges or whatever.

Where there is an element of concern is whether the interest arrangement between

the trust company and the sellers of the fund, and the interest that's being paid into the fund, into the pool, is really a fair and reasonable interest. I think it could be deceptive to some people. They'll look at the fact that there is this board of governors from universities, and that it is a non-profit foundation, so they would be tempted to think it's up and up and on the level. However, there are areas in it that I think are, or could be, slightly shady. I shouldn't say that they are but that they could be.

Hon. Mr. Grossman: National policy No. 15: Conditions precedent to acceptance of scholarship for educational plan prospectuses. It sets out 16 different conditions before a prospectus will be acceptable for filing. Number seven deals with one of the points the member has raised: "The entrance fees charged, including the commissions of the distributor and its salesmen, must not exceed \$200 per plan. The first \$100 paid under the plan may be applied against this fee and the balance may be deducted at a maximum rate of 50 per cent of each of the further contributions." That's the condition applying to the charging of fees.

The member will understand that through the annual filing of the prospectuses, the foundation, which in all cases is non-profit making, the sales organizations, fees and expenses are shown thereon and gives the Securities Commission some element of control—because they are disclosed yearly in a prospectus filing. Frankly I haven't got the in-depth knowledge or experience that the member has. Some of the questions he has raised gives me cause for rumination. I'll have a look at it if you want to supply me with some more details.

Mr. Makarchuk: Could you have your people ruminate on the interest being paid from the trust company into the fund and is eventually paid out to the various people, and see if it really is a fair interest rate for the money that is going in there? The reason I am asking is that I think the initial fund, the first one, was started by an American example. The second one was the one that I started myself in Canada a few years ago.

Hon. Mr. Grossman: Aha, now I'm suspicious. We'll check into that one specifically I can assure you. That's probably out of business. I am informed by my staff that they do watch it and are satisfied in each instance that they get the best rate available from the lending institution. But I'll look into it myself.

Mr. Williams: Coming back to the comment made by the member for Brantford where he suggested that there could be some shady go-

ings on: Is that just in his own mind or is there some substance to that that might be borne out? Could the minister indicate whether in fact the commission has ever received any complaints from anyone who has had any dealings with the fund, from a purchaser or a potential purchaser, as to some apparent abuse of the plan that has been presented to them? Has there been any evidence of abuse of this type of investment program?

Hon. Mr. Grossman: No. Not even the one started by the member for Brantford.

Mr. Young: Coming back to the issue raised by the member for Lakeshore, I would like to ask the minister whether any investigation has taken place about the effect of this process on the investors that are left outside when the company has bought in a control, or whatever it needs, of the shares of its own company, and then become a private company? A lot of people are left holding those shares, which then have no market and may become very low valued shares. Has any investigation been undertaken to see what happens to those minority shareholders at that point?

Hon. Mr. Grossman: It is something that is under careful study right now by the Securities Commission dealing with that specific point raised by the member. You'll recall my earlier remarks that where necessary there is an evaluation required of the shares in question. During 1977, in view of the 10 or 12 going private situations we face, it is clear there is a definite need for full disclosure of all the relevant facts.

From all of that, in light of the experience, it is clear there are circumstances where, by virtue of what we were talking about a moment ago, just the sheer value of the control block versus what is left after the purchase, there still remains some sort of problem. Hence the Securities Commission is, as I say, dealing with it at this precise time.

Mr. Young: Do you have the results of the study that is going on then?

Hon. Mr. Grossman: Yes.

Mr. Young: We will have it before too long then.

Mr. Davison: In regard to the point raised by my colleague from Brantford about the scholarship trusts, I take it these are classified as securities in terms of section 1 (f) of the Business Practices Act and, therefore, do not fall under the terms and obligations that we find in the Business Practices Act. Is that correct?

Hon. Mr. Grossman: I will get that answer for you shortly. I cannot tell you right now.

Mr. Davison: The answer may come after we have left the securities portion. I would ask the minister, if that is so, if he might address himself to a comparison between the protection provided the consumer in this sense with the securities regulations, as opposed to the rather strong protection coverage provided to the consumer by the Business Practices Act.

If it is true that it does not fall under the Business Practices Act, as I suspect is the case, I wonder if the minister could take it upon himself to examine the possibility of not bringing those under the Business Practices Act but rather extending the provisions of the Business Practices Act to the securities regulations involved so that consumers in this field get the same kind of protection that they do in other fields, regardless of the difficulties involved in setting up changes in those regulations.

Hon. Mr. Grossman: I would think, particularly when the whole process is finally reviewed and studied and some changes are made, if required, the consumer would be protected through the Securities Commission route and be given, as the member acknowledged, more protection than under the BPA, if in fact, it is included under the BPA. I don't see the gap in consumer protection. The more severe and better consumer protection surely in this field is already available under the securities route rather than the BPA.

Mr. Davison: That remains to be seen as we do not as yet have a determination of which they are under.

Hon. Mr. Grossman: My solicitors have informed me that the member is right. It does not come within the definition of the BPA, but surely he would agree that all we have been talking about in the last little while is what is deemed to be overly restrictive provisions and rules set out by the Securities Commission, and that the Securities Commission may have gone too far in requiring too much filing, too much information and too many prospectuses, so much that it may be inhibiting some operations.

If the member is suggesting that the Securities Commission does not provide enough consumer protection, he will be the first contributor to this debate today to be making that suggestion. I think he would probably be the first person ever to have suggested that the BPA-type of approach would provide more protection than the filing of prospectuses, continuous policy revisions and all the powers wielded by the Securities Commission provide.

Mr. Davison: With the greatest respect, we are going to address ourselves to the Business

Practices Act in a couple of votes. The point I am making is that there is a substantial difference between the manner in which the securities legislation and this kind of legislation works. One works supposedly before the fact and one works, apparently, after the fact, if either works as it should work.

[5:00]

The real basis of the question I was asking was which does it fall under? We have to see whether or not all of the regulations we have at the beginning of the process, as it appears we now have under the securities program, are as effective as they might be. We also have to see what recourses are available at the other end after the consumer discovers that in spite of all of the protection at the front end, he may or may not still have been ripped off.

I raise that question actually, without knowing which it was under. I hope the minister understands that. But I am quite correct, I suspect, in my analysis of the protection at each end of the process.

Hon. Mr. Grossman: Other than to say that securities obviously, operates before the fact in requiring all sorts of filings subject to all sorts of rules, regulations, recall and all of those provisions, it would be before the fact. In this particular circumstance, I'm sure he would agree, now having ascertained what it comes under, it's a pretty effective forum for this particular problem.

I have no apologies, as the member might find out when we get to business practices, for the approach currently taken under the BPA and the legislation that we'll be dealing with at that time, the things that the BPA is supposed to cover, and the abuses it is supposed to stop. That sort of legislation, we think, is appropriate for those goods and services covered in with the BPA.

Obviously, we've made other determinations with regard to securities and some other fields where we feel we have to go the prospective route. But in each case we think the right decision has been made for the potential consumer abuse involved.

Item 1 agreed to.

On item 2, pension plans:

Mr. Davison: In regards to the board and/or committee that's established under this section of the ministry, I wonder if the minister might tell us, not necessarily the makeup of the entire board, but whether or not there are as representatives on the board any working people, any people with experience as the major consumers, if we can call them that, in the pension world?

The other thing: One of the themes that will keep popping up through the estimates, not only in the business practices discussion but in pretty well every section of the ministry, is the question of consumer faith or consumer credibility as far as the ministry is concerned. I had a case come to my attention—and I'd like to give the minister the file number with the Pension Commission of Ontario. If he has any questions about what happened, he can look them up. The file number is C-7820. It's a curious case that's gone on for some long time. It involved a number of communications between my constituent and myself, my constituent and the Ministry of Labour, myself and the Pension Commission, the employer, the people who run the pension and a lot of cross-communications. The file has correspondingly been built up to a rather substantial size.

There's one element of it all that puzzled me—more than bothered me—and led to a shattering of my constituent's faith in the Pension Commission. I suspect it is the kind of thing you see hurting the credibility of the ministry in other areas of the ministry. I don't know if it was an error in style on the part of the commission or if it was an error in substance. I realize the minister won't be able to answer the question now but could perhaps inform himself of this situation later.

What happened at one point was the constituent wrote a letter to the Pension Commission in April 1977 and in June the commission responded to him. He'd raised four points in regard to his pension and the problems he was having with his pension. The Pension Commission wrote to the consulting actuary firm that was doing the work on the particular pension.

Mr. Deputy Chairman: Will the member please speak a little louder or speak into his mike because we're having a little trouble hearing.

Mr. Davison: I'm sorry, I'm having a little trouble speaking.

Mr. Conway: Speak up, boy, speak up.

Mr. Davison: I'll try. The commission then wrote to my constituent in response to the four points he had raised. In a three-sentence letter, it said they referred the question to the company running the pension and the letter from that company addressed itself to one, or one and a half, or possibly two points my constituent had raised in the letter that contained four points. This was sent back to my constituent by the commission.

After he had fought the issue out over a number of months with the company, he approached the Pension Commission, ex-

plained it all, raised his four points and the Pension Commission turned around and wrote to the company. It got a response from the company without any further explanation and that response was the very same one the constituent had been getting in greater or lesser detail over the past couple of months.

I don't know whether that was a substantial error or whether it was just an error in style but the effect it had was to completely destroy the constituent's faith in the Pension Commission. He felt they had sided with the employer and the pension company.

I wonder if the minister, over the next few weeks could look into that particular case as an example of why people in Ontario lose faith in the ministry's programs, not particularly with the Pension Commission because there are other examples I'll raise later in the debates concerning constituents of mine. I'd hope he'll look into that and make himself aware of that.

Hon. Mr. Grossman: What's the file number again?

Mr. Davison: The file number is C-7820. Perhaps while you're on your feet you'll address some remarks to representation on the board or committee that's struck under this file.

Hon. Mr. Grossman: The answer is, yes, I'll look into that particular case. I would caution the member, although he hasn't taken my advice so far, he ought to be dealing with specific cases on a more confidential basis. It's his decision. I would hope that before he suggests the public's confidence in the commission is entirely shattered, which is a little unfair, although he's more than free to report as he did later in his remarks that this particular person's confidence is shattered, that he get details to show a recurring pattern.

I think it is only fair to the people who put in long hours on the Pension Commission to be pretty careful about suggesting anything is an overall practice, unless he's got evidence that it's an overall practice, or to say the public has no confidence in my ministry generally. That's the member's opinion, he can say that, but when it comes down to specifics such as saying that this is an example of why the public has no confidence in the commission, I would urge the member to be a little more restrained in his comments and deal with a specific, if indeed, he wants to deal with a specific, on the floor of the House.

In any event, we'll look at C-7820 for you and not reply in the House but rather, we'll

send you a detailed letter with the rundown of what happened there.

The members of the board are: Ms. Donna Haley, chairman and a lawyer. Mr. Rudd, vice-chairman and general manager of London Life; he's an actuary. Mr. Laurence Coward is an actuary. Mr. Gordon Milling, research director, the United Steelworkers'. Paul Kates, insurance agent. William Saunderson, who is in investments. Mr. Priestner, vice-president of Finance, Westinghouse. Mr. Peter Kennedy, who is an insurance broker and just as I am speaking Mr. Coward has resigned; he's being replaced by Mr. M. D. R. Brown and I don't know what his background is.

Oh, he is an actuary as well, I am informed.

Mr. Conway: Get a handle on that ministry, Larry.

Hon. Mr. Grossman: Well, he's resigning.

Mr. Davison: I might suggest to the minister that it might be a better idea if such boards had a bit more consumer representation. I don't think it has to be a 50-50 deal, or that we have to have radical change, but perhaps one or maybe two more of what in this field would pass for consumers should be represented on the board. Because those are the people who are most personally affected. I am sure they would be able to provide to the board or committee a badly needed other perspective.

Hon. Mr. Grossman: I don't think it's badly needed. I reject the suggestion that the pension committee is not responsive to any suggestions and the problems. What can I tell you? I want to say that throughout my term in the ministry where there are appointments called for to commissions, we will in every case, as in the case of my predecessor, make sure that there is good consumer representation, however one defines consumer representation, on each particular board and commission.

When you go through the estimates you will find pretty good consumer representation on a lot of the boards, agencies and commissions in the ministry. This happens to be one in which the very complexity of the things they deal with requires more than just plucking your average consumer off the street and saying: "Hey, would you like to spend a day every two weeks"—which I am told is about what it is—"about a day every two weeks dealing with the really very technical matters?" We have three actuaries on here; that's not an accident obviously. It's just not that easy to identify what would be, to use the mem-

ber's words, a consumer voice on the commission.

However, I can assure you that in the matter of this commission and the others we will be watching that very carefully to see that there is adequate, sufficient and useful—which is a problem in something as complex as this—consumer representation on the board. Having said that, I want to explicitly reaffirm that I don't identify this as one of those commissions that is suffering a problem in terms of its responsiveness or its understanding of what the pension "consumer" is demanding or needs at present. I think they have done a fine job.

Mr. Davison: I think the minister has recognized the principle and concern that I am voicing, and I trust he shares it. I don't see anything too wrong with plucking a couple of average people off the street to sit on a board like this. If we had a bit more common sense, in terms of street sense, on some of these commissions and boards we set up, we wouldn't get some of the perspectives that we do get from some of these boards, committees, commissions and whatever government sets up. I understand the minister shares my concern and understands the concern and does, as I do, share respect for the capacities, understanding and capabilities of average people that we might pluck off the street.

Hon. Mr. Grossman: I appreciate your comments and agree with the sentiment you have expressed. I know that there will be someone in the riding of St. Andrew-St. Patrick who can provide that consumer input to the board.

Mr. Williams: Dealing with the composition of the board and the individual members, unless there has been a recent amendment to the Pension Benefits Act, I understand that the Act provides for a minimum of five and maximum of nine members. I notice that we have a complement of eight members at present. I was wondering if you normally maintain a full complement of members, as provided for in the legislation, or whether eight has been the traditional number. If you have not utilized the maximum numbers permitted by the Act, why not?

Hon. Mr. Grossman: The practice has been that it is a three-year term with rotating membership. It has always been eight, for neither obscure nor obvious reason; it has just always been eight. It's something we will certainly look at, particularly in

view of the remarks made earlier about the need for plucking someone off the streets.

Mr. Lawlor: The area of pension funds has been mentioned in the past, I believe. I think it is worthy of being brought forward again on this occasion. After all, this is the only occasion.

You're sitting on a hot potato—let me put it catastrophically. One of these days one of those pension plans is going to blow up. It is going to be a major one, and there is going to be a horrendous squawk about the whole thing. I think you should be thoroughly alerted before it happens.

It's a question of the funding of the plans. It has become more and more a matter of notoriety and I suspect, on the Pension Commission fear, that inflationary pressures being what they are and the moneys flowing into the funds in such a way as not to be commensurate, not being fully funded, the fund will prove bankrupt.

I would like to know to what extent this is being canvassed. Three or four studies on pension matters, one of them I think from the Economic Council of Ontario—not of Canada, of Ontario—have recently crossed my desk. I have a special place I put all this pension stuff. I don't always have time to read it, that is one of my regrets. But it is an area of very great and consuming interest, particularly taken in the context of my remark that the position of danger has now been reached. I suspect that in the next five years many of these plans will fold. I think you have to pre-empt that possibility by moving in more assertively than your predecessor. You have hardly had time yet.

As an aside, you are more prickly and defensive about this grab-bag constituency of yours, this particular department, than more roly-poly previous ministers have been. You nurse it like a mother hen, as far as I can see sitting over here. You find any type of blandishment or criticism not only unwarranted, but practically a criminal offence.

Mr. Conway: I tell you Ms. Beardsley's scared.

Mr. Lawlor: My friend's remarks with respect to the Pension Commission failing in this regard brought an unwarranted response. Without stepping on my colleague's toes too much I want to say in passing that they do a good job. Whenever I write to the Pension Commission they send back adequate information to satisfy my constituent, and they do it quite promptly. So, on the basis of my personal experience I want to give them credit in this particular area.

What has the minister to say about this whole funding problem?

Hon. Mr. Grossman: To confirm the member's concern, and to assure him it is one shared by all of us in the ministry, while I haven't had time to set the whole thing straight in my couple of months in office, it is however, something that was drawn to my attention early on and something about which I could immediately appreciate the seriousness.

The royal commission on pensions which was established by the government, as you know, to deal in part with this problem, will be reporting to us as early as possible because of the seriousness of the problem. I'm told report number two, a funding status report, is coming down from the Pension Commission in May and will deal specifically with the problem.

Because I do share and understand the member's concern in this field, I can assure him when it does come down in May, notwithstanding the heavy work load we have on for next year we absolutely will be putting it on the front burner and dealing with it as a priority. So we will indeed be aggressive when we have the badly needed input from the very good royal commission to set the matter straight as early as possible next year.

I don't underestimate, by the way, the task ahead even after we get the report of the royal commission. But we'll be terribly aggressive with it.

Mr. Lawlor: You don't want another Atlantic Acceptance.

Hon. Mr. Grossman: No, I don't. We're doing everything we can and will do everything we can as soon as we get the report. I might say I am referred to the new section 4(a) of the regulations which provides more flexibility in funding of pension plans and helps those plans which are affected by inflation, but at the same time maintains the safeguards of the funding requirements.

I might say all of this concern has resulted in the Pension Commission studying even more carefully and rigorously the documents that must be filed with them from time to time, as the member knows. Again, I can only assure him of our awareness of the problem and that we'll be terribly aggressive after the royal commission report comes in.

Finally, I can't sit down without commenting I'm glad the member was able to locate at least some of the communications on pensions he filed on his desk. I've heard about his legendary desk. May I say he may find

me defensive about the staff. Indeed, I've found in my short time in the ministry we have very excellent staff and yes, I will be rather defensive about my staff. If he recalls what I said to his colleague—and the member for Lakeshore in fact bore out my remarks—that in the course of these discussions and any other discussions we might have, I would urge upon members of the Assembly, to mention specifics which I would be glad to take up with staff. I would be terribly meticulous in following up any specific criticisms of staff to make sure those criticisms—if warranted—are corrected immediately.

My comment was only that where there is one specific instance I think it rather incumbent upon a member of the Assembly not to jump from a specific problem, an identifiable one—he was kind enough to identify it so we could follow it—to a presumption that the entire Pension Commission is not responsive or that the public has no confidence in it. If there is a pattern or if he has any evidence it is a pattern, he may argue that case and then make the statement there appears to be a general problem and the public generally has no confidence.

I think these were some of the remarks with regard to another part of my ministry the member for Scarborough-Ellesmere (Mr. Warner) was trying to make the other day on another matter. That's a different situation. My caution was only with regard to jumping from a specific to a general condemnation for whatever purposes he may have. I just don't think it does any justice to the particular board in question. I just urge the specifics on the members.

Mr. Williams: Supplementary, if I might.

Mr. Conway: Cross the floor, John. You will get a lot more attention.

Mr. Reid: Please don't.

Mr. Williams: The member for Lakeshore has made reference to, or suggested, one of these days one or more of these pension funds is going to blow up, as he says. I presume he's alluding to the fact that perhaps they'll find themselves, because of the way in which they are structured, financially insolvent all of a sudden, and unable to meet the payments to the participants in the plan. I don't know if that's what he was alluding to. I presume he was.

Mr. Lawlor: That was a presumption you may presume.

Mr. Williams: Pursuing that point for a moment, the Act gives power to the commission to reject any pension plan that doesn't qualify for registration, which is obvious. It also clearly provides the right to cancel any

existing pension plan certificates of registration, issued in respect of pension plans, where it appears that a particular pension plan no longer is able to meet the test for solvency, or otherwise qualify under the Act.

What has the experience been of the commission, with regard to it having to exercise those powers under the Act in recent times, if at all?

Mr. Conway: Answer carefully, now.

Hon. Mr. Grossman: I always do. In essence, my people have had to threaten to deregister certain plans but have never had to go through with that threat. They have never had to deregister. The threat seems to have done the job and got things back on line.

Mr. Williams: How frequently does the threat have to be applied?

Mr. Mackenzie: Once is too often.

Hon. Mr. Grossman: Infrequently.

Mr. Peterson: What are the criteria you are using, when your ministry is looking at these private pension plans, as tests of solvency? I am profoundly concerned about this issue. I heard the remarks of the hon. member for Lakeshore over the box and I ran up here, because I think I agree with everything he said. I would say it is far more serious than even he has indicated.

Mr. Lawlor: Well, I said it was catastrophic.

Hon. Mr. Grossman: If he has a better word, I would like to hear it.

Mr. Peterson: This is a very serious catastrophe though. This isn't an ordinary catastrophe. We have ordinary catastrophes every day in this House, but this is a very serious catastrophe. And I want to know what your plans would be if a private plan went under or a private company couldn't come through on their pension plan. What would you do?

Hon. Mr. Grossman: I am relieved that the member ran up so quickly to get into this debate about which he is so concerned. I want to assure him, so he will be able to test these assumptions, that as they come in the annual actuarial reports are reviewed by my people with regard to the methods used. Secondly, the assumptions behind the actuarial assumptions used in preparing those statements—

Mr. Peterson: Do you insist on an annual actuarial review?

Hon. Mr. Grossman: Tri-annually.

Mr. Peterson: I am sorry?

Hon. Mr. Grossman: Tri-annual, that means three, Dick. Third, my people carefully check

out the valuations used for evaluating the assets shown on those statements.

The member can check the regulations which show the tests of solvency used by my people. They are in the regulations. In the event the plan is insolvent my people would take steps to wind up the plan and see that those employees with full accrued benefits do get whatever interests are available to the extent the plan is funded. There is no magic to it. We would just come in and make sure that those employees who had full accrued rights got what was in the pot.

Mr. Peterson: Are you telling me the beneficiary under the pension would have no more rights to funds or security of income than what is the sum total of that fund? Is that what you are telling me?

Hon. Mr. Grossman: Basically, yes.

Mr. Peterson: The other thing I want to ask you, are you happy with a review every three years? An actuarial review?

Hon. Mr. Grossman: It seems to be working pretty well up until the present time and my people do have the right under legislation to request filing more often if they have any reason to believe it would be appropriate. It is done on occasion.

Mr. Peterson: What is your view on the public plans, teachers' superannuation, superannuation in the public service plan?

Hon. Mr. Grossman: What about it?

Mr. Peterson: Do you think those should be reviewed every three years or every year? Has your department got an opinion on that?

Mr. Lawlor: You better leave us alone. That is the only thing that keeps the government alive.

Hon. Mr. Grossman: I am sorry, that is not a subject of the Pension Commission. Those plans are not properly subject to this program.

Mr. Peterson: But in fairness, I think it very intimately relates. I do not think the time has passed when you can dissociate private and public plans. One of the things we are finding is that public plans are setting the pace for private plans. The private plans are being increasingly obliged to compete, and although I understand it is not exactly under your bailiwick, I am interested if you have any reactions.

Hon. Mr. Grossman: When the minister responsible responds—I think it is the Treasurer (Mr. McKeough) who brings that matter to cabinet—I will surely engage in a dialogue at that particular time on the subject. But it is just not properly the subject matter of this vote in my estimates; I am sorry, it just isn't.

Mr. Peterson: You are a very capable young minister and you know more than is just encompassed by your own particular ministry, I would assume. I am trying to engage in a dialogue on a subject of great concern. I just want to know if you have any reactions to it.

Hon. Mr. Grossman: I can only tell you that the day-to-day administration of the private plans is the subject matter of this vote, not the public plans. The fact that it is a matter of great public concern is something I share, and indeed commented on at committee stage long before you raised it here today. I am talking about a year or a year and a half ago. It is a matter of great public concern and an important, serious problem, but that does not mean it is appropriate to discuss it, either in my estimates or under this vote, I am sorry. I can give you lots of other matters which are.

Mr. Peterson: What are the issues, then, pertaining to your own ministry that you feel will have some kind of resolution as a function of the performance of the royal commission into pensions; what are you looking for?

Hon. Mr. Grossman: I take it the member is asking for the terms of reference of the royal commission on pensions. Is that another way to ask your question?

Mr. Peterson: That royal commission obviously takes in more ministries than just your own. It is dealing with private and public sector plans, the whole financing thereof; as well as indexing and various other issues. I assume that since you have decided today to respond only to areas in the private sector, I am interested in knowing what kind of questions you see being resolved by that commission? Has your ministry made any submission to that royal commission?

Hon. Mr. Grossman: I know the member will recall that Ms. Donna Haley, who is the chairman of our Pension Commission, also happens to be the chairman of the royal commission on pensions. I know you've just forgotten that, but if you think about it, you'll remember that she may be able to provide more than all the input required from our ministry into the royal commission on pensions. That is precisely why she is performing that role for us; so all the input necessary is there.

Mr. Peterson: You're saying that the chief commissioner of the inquiry is going to take your position to that royal commission, is that what you're saying?

Hon. Mr. Grossman: Obviously—

Mr. Peterson: That's like appointing Roy McMurtry to look into the Ontario Provincial Police.

Mr. Chairman: Order, please; I recognize the minister.

Hon. Mr. Grossman: Also, to confirm—after you repeated the question—to confirm what I think your question was—what are the terms of reference of the royal commission on the status of pensions?—I'll read them to you.

One, study the impact on the economy of different systems of financing retirement pension plans—

Mr. Peterson: On a point of order, Mr. Chairman—

Mr. Chairman: Order.

Mr. Peterson: —I am concerned about—

Mr. Chairman: Order.

Mr. Lewis: Well he said on a point of order, Mr. Chairman.

Mr. Chairman: A point of order? What's your point of order?

Mr. Peterson: I had a point of order, but I forgot it, Mr. Chairman.

However, I want to know from the minister since obviously this affects more than his ministry, and we've established that the minister is not prepared to discuss those issues that come under the Ministry of Treasury, what I want is to have the minister itemize for me the concerns that he has. He has already said that his ministry will not be putting a fixed, formal position to this royal commission. I want to know what, in the minister's mind, in his judgement, are the kinds of issues that are going to be resolved.

Mr. Conway: That did it.

Hon. Mr. Grossman: I can't do any better than suggest to the member that the concerns of the government at large, certainly my ministry, but the concerns of the government at large are reflected, obviously, in the terms of reference of the royal commission on pensions. I couldn't be more definitive than to refer the member to the terms of reference of the royal commission on pensions. The member asked me what the concerns of my ministry are; obviously we appointed the royal commission to deal with the concerns of our ministry.

I'm not trying to be evasive. I couldn't draw up a more complete list than is contained in the terms of reference which says to the royal commission: Here are our concerns, and enumerates them. We invite them to consider them and bring them back to our ministry. I know the member will understand that the process involves them dealing with our concerns, reporting back to us on certain

recommendations, and at that stage debate will occur on the floor of the Assembly; but those are our concerns, they are contained in the terms of reference.

Mr. Peterson: I guess I was just looking for some revelation, some glimmering of understanding of the subject from you, and I haven't seen that yet.

The scope and the nature of this problem is probably, to put it in context and to quote the chairman of the Ontario Economic Council, is probably more serious than the energy question in terms of the financial impact on this community, and indeed the entire country. I would like to see more attention, I'd like to see more concern about this in the press. I'd like to see more attention applied to it by the ministries, this minister's as well as the Treasurer's. We have to discuss the Treasurer's problems at another time, I fully respect that fact, but I would suggest that the minister should consider very seriously his ministry making an official representation to this commission. I don't think it's good enough that the minister has appointed an insider to run this commission, or to be chief inquiry officer. The minister should have some very strong views on the subject, because the whole area of security of retirement income is one that's going to impact very seriously.

I respectfully submit to the minister that if a major private pension plan went bankrupt—which is not impossible, there are certainly a considerable number in the United States that are in very serious trouble—the minister would have to very seriously consider getting involved to protect those members of the fund, particularly since the minister is charged with jurisdiction over the solvency thereof. As we're getting more pressure for indexing, earlier retirement benefits and that kind of thing, I think you should be developing a strategy of your own. I would like to see you with an independent position that you could take to this public inquiry, because they're going to have substantially more pressure on them than just the ones you could bring to bear.

Hon. Mr. Grossman: With respect, I know the member wants to express, and has expressed, his very great concern over the situation we find ourselves in with private pension plans.

The member for Lakeshore brought it up and pointed out, in his words, the catastrophic nature of the problem. I confirmed the government's agreement with the nature and seriousness of the problem. The member

succeeded in confirming his concern about the problem.

I can only tell you the government—and I want to be partisan about it—long before these concerns were expressed by the member opposite, appointed the royal commission and asked that it report at the earliest possible date on this very complex problem.

As well, rather than going outside and getting someone who would have to have Donna Haley, one of our resident experts, in as a witness to talk about the problems being experienced in the field and the experience of our Pension Commission; instead, Donna Haley, who has been dealing with it on a day-to-day basis in our ministry—no more knowledgeable person, other than perhaps Mr. Bentley of the Pension Commission could be in that position—is there performing that function. The appointment of an insider—I'm not sure in which context the member was using that word—will make the work go more swiftly and provide a route for all the knowledge and expertise of my ministry to flow into the effort at solution of that particular problem.

The member should appreciate that the Pension Commission is in my ministry, as are a lot of other things. That doesn't mean input from this ministry any more than the Ministries of Energy or Northern Affairs or Natural Resources, is going to be of any more special concern or enlightenment than the information I can glean from, learn from and deal with through the Pension Commission.

The member thinks it will be instructive for me to sit down with the Pension Commission—the very people, one of whom at least is looking after and heading up the royal commission on pensions—and deal with the problems; get involvement, expertise, policy advice and direction, take it through cabinet, follow the ordinary governmental route so as to emphasize, for political purposes, the concern I may have as a minister; and then go back there and make a submission to the commission. I suggest to you that is a perfect Catch-22 situation.

We set up a royal commission to deal with the concerns and make certain recommendations on the basis of every bit of expertise we can possibly provide for that commission, including our own staff and people. When they come back, reporting on the concerns we express and acknowledge, at that stage you will see all the leadership possible, not only by me but by those ministers who are more directly responsible for public pensions in this province.

I don't want to leave any impression that we do not understand the seriousness or complexity of the problem, or have failed to express our concern about the problem. Our concern speaks for itself. It is right there on the record. We've expressed it, and we're not going to get into a political manoeuvring game so we will look like we're concerned.

I'm quite prepared to let the record stand for itself; our concern is there. We're not going to juggle around and make it look like we're jumping ahead of the game; we're not going to jump ahead. It's there; it's happening. We understand the nature and seriousness of the problem, and we'll be in a position to deal with it come the middle or end of next year.

It's at that stage the member can stand up and show us his intimate knowledge of pensions and make his contribution to the process. I can assure the member that we'll listen to what he says, as we will the member for Lakeshore and any other members of the Assembly who have a valid and important concern in the area of pensions. I think he'll be in a better position to comment on it, as will all members of the Assembly, when the royal commission comes back with its expertise and is able to cover in complete detail all the fields of pension concern that you've expressed.

[5:45]

Mr. B. Newman: I wanted to raise the issue of pensions, also, Mr. Chairman. May I, at the outset, say that I discussed this several years ago with Mr. Bentley, and I found him extremely co-operative. He replied to everything I asked of him.

I was just wondering if the Pension Commission looks into private pension funds when it comes into labour negotiations. Quite often you will find that pensions are part of the negotiating process and the end result is that pensions may be negotiated to a little greater degree than there are assets in the corporation.

The reason I bring this up is Auto Specialties, back in the city of Windsor, did provide fairly decent pensions to their employees. In the process of negotiations the pensions were substantially increased, but as soon as the pensions were increased, or some period of time after the increase in pensions, Auto Specialties folded up. The retired employees of that company had their pensions reduced from about \$150 to approximately \$50; they received approximately one-third. Is there some protection so that a similar type of experience does not happen to others in the

process of negotiating salary and pension increases?

Hon. Mr. Grossman: The law requires that any pension plan which has been the subject matter of negotiation be filed immediately thereafter with the Pension Commission, which then looks at the cost increase, and all the appropriate actuarial figures and assumptions, to make sure that it will still be a viable fund after the renegotiation, subject to all the criteria I referred to earlier. Specifically the answer to your question is yes. Immediately after that renegotiation there must be a filing with the commission and the commission then must satisfy itself as to the continued long-term viability of the fund.

Mr. B. Newman: Then the reason the experience was not favourable in the case of Auto Specialties is that there was no such program available or this wasn't done in their instance; is that right?

Hon. Mr. Grossman: In simple terms, the answer is yes, you are right.

Mr. B. Newman: Can an industrial employee retire after 30 years? You will notice that in the auto industry they have the program "30 and out;" and also "35 and out." I can recall at one time being told that they could not have this "30 and out" because of some federal legislation.

Hon. Mr. Grossman: If the plan so provides, they can now. The information you had, I am told, was correct; but it has been changed, now they can.

Mr. B. Newman: So they can negotiate, actually, any age providing the plan is actuarially sound; or is the minimum limited to 30 years and out?

Hon. Mr. Grossman: Presently it is 30 and out with the Department of National Revenue.

Mr. Williams: I want to pursue a matter I was discussing with you earlier, pointing out the powers the commission had either to reject a pension plan proposal or cancel an existing certificate for a pension plan. I had asked you to what extent this has been a problem with the commission and you had indicated that it appeared gentle persuasion had been sufficient to resolve any of these problems. I am wondering if you could perhaps add a greater degree of finality to the point by indicating to me whether in fact in the past 24-month period any formal notices of objection have been filed under section 26 of the Act dealing with these two matters.

If so, could you identify the nature of the objections filed and the disposition of same? Upon answering that, I then have a new question I would like to go to. Perhaps I

will pose that to you now before I relinquish my spot here in the speaking order. The question is with regard to the general content of the material in this vote. It is noted, of course, the major part of the responsibility of the commission is to deal under the inter-provincial and federal-provincial working agreements as regards portability and other features of plans in other jurisdictions.

I presume the other provinces all have their own comparative legislation—at least public pension plans which have portable features and are the subject matter of these interprovincial relations; but if that is the case, why is it then, a number of the provinces are noticeably missing from the list of provincial statutes that are part of the inter-provincial working agreements on pension plans? I notice in particular there is no reference to the province of British Columbia and three of the Maritime provinces. Nova Scotia appears to be the exception, coming into the plan in the immediate future according to the vote notes we have before us. Perhaps you could enlighten us on that observation, Mr. Minister.

Hon. Mr. Grossman: The answer to the first part of your question is we haven't in the last 24 months needed to utilize the section of the Act to which you are referring. The answer to the second part of your question is some of the other provinces just aren't as enlightened as we are in this and other jurisdictions with regard to pensions, and they haven't legislated in the portability to which you are referring.

Mr. Williams: Do those provinces in fact have pension benefits legislation in existence, but lack the portability features that would justify an interprovincial agreement?

Hon. Mr. Grossman: No legislation.

Mr. Williams: Does that relate to the provinces I named to you as being excluded from the list of Acts mentioned?

Hon. Mr. Grossman: That's correct; it does.

Mr. G. Taylor: Mr. Minister, are the investment restrictions on benefit plans working? Can we give assurance they will be funded to the best of the restrictions on the benefit?

Hon. Mr. Grossman: Generally speaking, yes, subject to some of the concerns we expressed earlier. So far the criterion seems to be working fairly well. The provisions in the Act, the supervision, and review conducted by the Pension Commission, seem to have

done the job and seem to be working reasonably well at the present time.

Mr. G. Taylor: Mr. Minister, again on the subject of pensions, when the Haley committee comes in, will you be looking at those reports to make sure the pension plans your ministry administers will be sound in accordance with the recommendations of that committee?

Hon. Mr. Grossman: My staff comments we will have no choice; but of course we will be doing that in the context of what I said earlier. The House can be assured I will be dealing with the report coming in May very expeditiously. It will be our summer activity in the ministry, although it is going to be a difficult problem even after the report comes in.

I suspect there will be no easy solutions, but at least the report will contain the very best solutions and alternatives available, I am convinced, anywhere. Yes, we will be digging into it very expeditiously over the summer period, presuming the report arrives in May, and I am told it will.

Mr. G. Taylor: Mr. Minister, in the estimates book you comment that one of your objectives is to improve the quality and administration of pension plans. When you are looking at the quality of pension plans, does that mean their funding or their service to the people they are intended to serve?

I have many civil servants in the Penetanguishene area who are continually complaining about their pensions, saying they do not suit the needs of the people at this present time in light of the increase in the cost of living. Many of them are ex-civil servants. Naturally when the pension increases a percentage rate based on their best five years, or whatever the condition is on their pensionability, it does not go up in comparison to the present pay rate on the same job, which has had enormous increases in pay in the last few years. Those people retired some years back of course, but the point is the same job is being carried out today by a person who retires at pension rates based on today's salaries. Will your ministry be looking into the quality of the pension plan as it applies to people who are ex-civil servants in the Penetanguishene area?

Hon. Mr. Grossman: I would like to be able to say that we could but our mandate is to make sure the funds are alive, well and kicking; that they are properly funded and in existence when it comes time to pay the money to the various beneficiaries.

The problem the member outlines is of course a problem that's a common one. It's common throughout industry, and in some places in government. It is, however, a concern of the Pension Commission only to make sure that the funds are there when the time comes to meet those liabilities to pay the funds out, and that the pension funds are administered well. As conditions change, indeed as the benefits go up in some cases, it presents precisely the problem referred to by the member for Windsor-Walkerville (Mr. B. Newman), in terms of increasing the benefits without making sure the funding is there. When that occurs, we of course play a role to make sure that at least there'll be a fund there to pay the increased benefits.

Mr. Peterson: What is your reaction, the Pension Commission's reaction to indexed plans? Do you have any sort of feeling one way or the other?

Hon. Mr. Grossman: We're concerned that they be funded, and funded at least on a pay-as-you-go basis, for retired people too.

Mr. Peterson: You don't have this position, fully-funded versus pay-as-you-go? Pay-as-you-go assumes that the company's going to be around forever. Is that what you're telling me?

Hon. Mr. Grossman: The commission policy is that all pensions must be pre-funded, except for those which are required for escalated benefits for already retired persons, which are pay-as-you-go.

Mr. Peterson: You used the word "pre-funded." Is that the same as fully-funded?

Hon. Mr. Grossman: No.

Mr. Peterson: Just explain that to me.

Hon. Mr. Grossman: Pre-funded would require that there must be a cash flow sufficient to amortize that liability over 15 years, no more, that would be pre-funded.

Mr. Peterson: The perpetual operation of that company? That assumes that company, or whoever, is going to be in existence for another 15 years. If they go under it doesn't necessarily mean that the fund will be financially viable. Are you making any moves towards a fully-funded kind of proposition for private plans?

Hon. Mr. Grossman: Yes, that's what we're aiming for. It's pretty tough to do, as was pointed out.

Mr. Peterson: That philosophy doesn't necessarily square with the public plan—for example teachers' superannuation, in which the contribution is now something like 21 per cent, one-fifth of the total salary cost. How do you justify those two widely divergent views?

Hon. Mr. Grossman: The answer is yes, there is a difference there. Some plans are funded in the fashion we've just talked about. The teachers' superannuation fund follows the same principle.

Item 2 agreed to.

The House recessed at 6 p.m.

APPENDIX

(See page 2588)

The answer to a question was tabled as follows:

48. **Mr. Ziemba**—Inquiry of the ministry: Since Canada's manufacturing deficit exceeds \$10 billion, and since Ontario is the key manufacturing province, will the Treasurer table all his correspondence from and to Ontario manufacturers on the issue of tariffs since his pronouncements on tariff reductions at the Ottawa meeting of finance ministers? [Tabled November 21, 1977.]

Answer by the Treasurer (Mr. McKeough):

The responsibility for tariff matters and the conveyance of the government's position on the latest round of international talks in Geneva under the GATT lies with the Ministry of Industry and Tourism. The Ministry of Treasury, Economics and Intergovernmental Affairs has had very little correspondence

with manufacturers on the subject of tariffs, and what there was on matters of tariff detail cannot be tabled since it deals with the internal operations of companies. These companies provide the Ministry of Treasury and Economics with that information on trust, and to reveal that information would constitute a breach of legitimate corporate confidentiality of financial and operating records. Any correspondence of a more general nature does not go beyond a restatement of what the Treasurer has already outlined in several public statements, including the last provincial budget, the statement to the last meeting of the finance ministers, a speech to the Conference Board in Montreal on November 16, 1977, and a subsequent speech to the Society of Management Accountants of Ontario on November 24, 1977.

CONTENTS

Monday, December 5, 1977

Pipe production, statement by Mr. Bennett	2575
Uranium prices, questions of Mr. J. A. Taylor: Mr. S. Smith	2576
Confidentiality of health records, questions of Mr. Timbrell: Mr. S. Smith, Mr. Lewis, Mr. Deans	2577
Layoff of nickel workers, question of Mr. Davis: Mr. Lewis	2577
Radiation levels, questions of B. Stephenson: Mr. Lewis	2578
Ford layoffs, questions of B. Stephenson: Mr. Deans, Mr. S. Smith, Mr. Mackenzie	2578
Files on critical sources, questions of Mr. Norton: Mrs. Campbell	2580
Unsafe working conditions, question of B. Stephenson: Mr. Deans	2581
Licence fees, questions of Mr. McKeough: Mr. Wiseman, Mr. Yakabuski	2581
Ogoki Lodge, questions of Mr. Welch: Mr. Eakins	2582
Shepherd Boats Limited, questions of B. Stephenson: Mr. Mackenzie	2582
Nuclear control board, questions of Mr. J. A. Taylor: Mr. Reed, Mr. S. Smith	2583
Native rights, questions of Mr. Brunelle: Mr. Wildman	2584
Barrie jail, question of Mr. Drea: Mr. G. Taylor	2584
Nursing homes, question of Mr. Timbrell: Mr. McGuigan	2584
School cutbacks, questions of Mr. Wells: Mr. Makarchuk	2585
Bancroft radiation problem, questions of Mr. Kerr: Mr. O'Neil	2585
Nursing homes, questions of Mr. Timbrell: Mr. Warner	2585
Dairy herd improvement, questions of Mr. W. Newman: Mr. McKessock	2586
Apprenticeship program, questions of Mr. Parrott: Mr. Bounsall	2586
Activities of RCMP, question of Mr. McMurtry: Mr. S. Smith	2587
Point of privilege re mix-up of photos, Mr. Peterson	2587
Point of privilege re identification of members, Mr. Kerrio	2587
Motion re Resources Development Secretariat Estimates, Mr. Welch, agreed to	2587
Landlord and Tenant Amendment Act, Mr. Wildman, first reading	2588
Condominium Amendment Act, Mr. Wildman, first reading	2588
Tabling answer to written question 48, Mr. Welch	2588
Estimates, Ministry of Consumer and Commercial Relations, Mr. Grossman, continued ..	2588
Recess	2614
Appendix, answer to written question	2615

SPEAKERS IN THIS ISSUE

Bennett, Hon. C.; Minister of Industry and Tourism (Ottawa South PC)
 Bolan, M. (Nipissing L)
 Bounsall, E. J. (Windsor-Sandwich NDP)
 Breithaupt, J. R. (Kitchener L)
 Brunelle, Hon. R.; Provincial Secretary for Resources Development (Cochrane North PC)
 Campbell, M. (St. George L)
 Conway, S. (Renfrew North L)
 Cunningham, E. (Wentworth North L)
 Davis, Hon. W. G.; Premier (Brampton PC)
 Davison, M. (Hamilton Centre NDP)
 Deans, I. (Wentworth NDP)
 Drea, Hon. F.; Minister of Correctional Services (Scarborough Centre PC)
 Eakins, J. (Victoria-Haliburton L)
 Edighoffer, H.; Chairman (Perth L)
 Grossman, Hon. L.; Minister of Consumer and Commercial
 Relations (St. Andrew-St. Patrick)
 Haggerty, R. (Erie L)
 Kerr, Hon. G. A.; Minister of the Environment (Burlington South PC)
 Kerrio, V. (Niagara Falls L)
 Lawlor, P. D. (Lakeshore NDP)
 Lewis, S. (Scarborough West NDP)
 Mackenzie, R. (Hamilton East NDP)
 Makarchuk, M. (Brantford NDP)
 Mancini, R. (Essex South L)
 Martel, E. W. (Sudbury East NDP)
 McEwen, J. E. (Frontenac-Addington L)
 McGuigan, J. (Kent-Elgin L)
 McKeough, Hon. W. D.; Treasurer, Minister of Economics and Intergovernmental
 Affairs (Chatham-Kent PC)
 McKessock, R. (Grey L)
 McMurtry, Hon. R.; Attorney General (Eglinton PC)
 Newman, B. (Windsor-Walkerville L)
 Newman, Hon. W.; Minister of Agriculture and Food (Durham-York PC)
 Nixon, R. F. (Brant-Oxford-Norfolk L)
 Norton, Hon. K.; Minister of Community and Social Services (Kingston and the Islands PC)
 O'Neil, H. (Quinte L)
 Parrott, Hon. H. C.; Minister of Colleges and Universities (Oxford PC)
 Peterson, D. (London Centre L)
 Reed, J. (Halton-Burlington L)
 Reid, T. P. (Rainy River L)
 Rhodes, Hon. J. R.; Minister of Housing (Sault Ste. Marie PC)
 Riddell, J. (Huron-Middlesex L)
 Rotenberg, D.; Deputy Chairman (Wilson Heights PC)
 Smith, S.; Leader of the Opposition (Hamilton West L)
 Stephenson, Hon. B.; Minister of Labour (York Mills PC)
 Stokes, Hon. J. E.; Speaker (Lake Nipigon NDP)
 Taylor, G. (Simcoe Centre PC)
 Taylor, Hon. J. A.; Minister of Energy (Prince Edward-Lennox PC)
 Timbrell, Hon. D. R.; Minister of Health (Don Mills PC)
 Warner, D. (Scarborough-Ellesmere NDP)
 Welch, Hon. R.; Minister of Culture and Recreation, Deputy Premier (Brock PC)
 Wells, Hon. T. L.; Minister of Education (Scarborough North PC)
 Wildman, B. (Algoma NDP)
 Williams, J. (Oriole PC)
 Wiseman, D. J. (Lanark PC)
 Yakabuski, P. J. (Renfrew South PC)
 Young, F. (Yorkview NDP)
 Ziēmba, E. (High Park-Swansea NDP)



Legislature of Ontario Debates

Official Report (Hansard)
Daily Edition



First Session, 31st Parliament

Monday, December 5, 1977

Evening Sitting

Speaker: Honourable John E. Stokes

Clerk: Roderick Lewis, QC

CONTENTS

A list of the speakers taking part in the debates in this issue of Hansard appears, in alphabetical order, at the back of this issue.

Daily contents of proceedings also appears at the back of this issue. Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff. Phone 965-2159.

Hansard subscription price is \$15.00 per session, from: Sessional Subscription Service, Printing Services Branch, Ministry of Government Services, 9th Floor, Ferguson Block, Parliament Buildings, Toronto M7A 1N3. Phone 965-2238.

Published by the Legislature of the Province of Ontario.
Editor of Debates: Peter Brannan.

LEGISLATURE OF ONTARIO

MONDAY, DECEMBER 5, 1977

The House resumed at 8 p.m.

ESTIMATES, MINISTRY OF CONSUMER AND COMMERCIAL RELATIONS (continued)

On vote 1402, commercial standards program; item 3, financial institutions:

Mr. Chairman: Are there any questions or comments on item 3?

Mr. Davison: I have a couple of matters I would like to raise under this vote. One of the items that caused me some concern was the recent announcement of the AIB decisions in regard to insurance companies and excess profits, particularly the ruling on Allstate Insurance. I don't know if this is happening in the other insurance companies. Perhaps the minister could address himself to that. What happened in the Allstate example is that after the AIB said its profits were excessive and the excess would have to be returned to the consumer, the AIB sat down with Allstate and worked out a deal. Rather than giving the money back to the people who had purchased Allstate policies, what they would do is reduce premiums for renewals. In other words, for the consumer to get back the excess amounts paid to Allstate Insurance Company, he or she had to renew the policy with this insurance company, which was in its own small way ripping off the consumers.

I wonder if you can tell me if you have looked into this matter and if there are other insurance companies involved in this same little way of repaying back their policyholders; and what, if anything, you think your ministry should be doing about it.

Mr. Lewis: I think I might cross the floor.

Hon. Mr. Grossman: We have no room for you.

Mr. Lewis: This is the first time in my memory in 14 years that there has not been even one single Tory back-bencher to provide support in the matter of a minister's estimates. Not one!

Hon. Mr. Grossman: It shows you the confidence they have.

Mr. Lewis: You have achieved what your

father could never do in this House, complete and absolute desertion.

Mr. Chairman: Order.

Hon. Mr. Grossman: Or total confidence, one or the other.

Mr. Lewis: Good grief. You are an amazing fellow.

Hon. Mr. Grossman: We are allocating our troops where they are needed. Proper allocation of resources is the secret of our success. It is like the restraint program.

Mr. Lewis: Watch them come in now. Wait until that hand reaches five after eight and see them sneaking furtively in through the back door.

Hon. Mr. Grossman: I would settle for them coming in any way; I am not particular.

The answer to the member for Hamilton Centre's question is that it is a matter for the AIB. That is the system they recommended, and in fact put in under their authority to look after the problem. It was not arranged by our ministry, but yes, you have to renew in order to get the rebate. There is nothing my people can do about the situation.

Mr. Kerrio: The member for Oriole (Mr. Williams) is coming in now.

Mr. Lewis: I said a member, not a facsimile.

Mr. Kerrio: Careful, he just doubled the numbers on that side of the House.

Mr. Davison: With the greatest of respect, my understanding—and I am quite sure I am right—is that it was Allstate's solution and what the AIB did was concur. It said: "Yes, Allstate, it would cause you a bit of trouble to get the money back into the hands of the consumers you have overcharged. For your own convenience as a company we are going to say it is okay. It will meet our requirements if you give the money back only on renewals."

What I am asking you as the minister in charge of consumer protection is: Is this not an area where consumers in Ontario have been ripped off by auto insurance companies; I suspect in the plural, but I don't know so I won't say that.

I would ask you to investigate if that's the same route being taken by other auto insurance companies. Don't you think that you, sir, have some responsibility on behalf of consumers in Ontario to make sure the consumers that have been overcharged are the consumers who get their money back and we don't allow the precedent to be set that consumers have to renew a policy in order to get back excess moneys taken in by the insurance company?

Hon. Mr. Grossman: I'm informed there's no question it was a proposal put forward by Allstate to solve the problem. The AIB did, admittedly, accept a proposal put out by Allstate, which I suppose of itself doesn't make it wrong. One of the arguments, I'm told, put forward by Allstate, which seems to be fairly reasonable, is that if they were to pay back immediately, \$15 million I think the figure was, it would affect their capacity to write new business.

I know the member is aware of the capacity problem. Ability to write business, especially new business, depends upon liquidity of the company and how it measures up to the ratios set out by my own people. Had they paid out \$15 million, in simple terms, it would have drastically affected their ability to write new business in the following year. That's not a bad argument. In any event, it was an argument which satisfied the AIB; and my people were aware of the proposal and frankly did not object to it.

Mr. Davison: I don't understand why your ministry wouldn't raise some objection on behalf of Ontario consumers. We're not talking about a paltry sum, we're talking about a fairly substantial amount of money. I understand the sensitivity the Minister of Consumer and Commercial—stress the Commercial—Relations has, and perhaps that hearkens back to the point I was making earlier about the difficulty you might be having with the two responsibilities. One responsibility you seem to have is toward the insurance company to make sure they have that \$15 million so they have the capacity to write new policy, and Allstate has the capacity to continue to do whatever it is they do so well, that's one side of the coin; the other side of the coin is that consumers in Ontario have paid too much money through premiums to Allstate, and the AIB has, in fact, ordered a roll-back.

The AIB doesn't descend on companies with the kind of harshness and regularity with which it usually does on workers. It doesn't usually have the same kind of impact and we don't see it with the same kind of frequency. They're not quite as willing to jump on them as they are on workers. If

they've made a decision in this case, it's probably, if anything, not strong enough, by my experience and view of the AIB's program.

We now have this crazy situation where a consumer has been, in essence, ripped off by an insurance company, and your ministry is saying it's okay for that insurance company not to reimburse that consumer unless that consumer renews his policy. Maybe it's just the problem of having to be on both sides of the issue in terms of understanding the consumer problem and understanding the problem of the corporation. You do absolutely nothing about it except sit back and say we're aware of the problem.

The fact is, though, I don't see how you can justify that to the consumers who don't want to renew their policies with Allstate. Surely those consumers have a right to get back that money. You should re-examine your position, because there's a very strong case to be put for those consumers being compensated. You have a fairly clear responsibility to the consumers in this particular matter.

Hon. Mr. Grossman: The member's interpretation of our concern is wrong. In fact, Allstate Insurance was going to be out the \$15 million anyway.

It was going to be out the \$15 million, whether it was done in this way or by way of a direct payment back to the policyholders who had paid the money. So in terms of the financial position of Allstate, it mattered very little whether they were going to pay it back by way of cheques or pay it back by way of taking in less money on renewals in terms of what they were charging for those renewals. They were, and are, out the \$15 million.

Our ministry's concern was who is going to suffer as a result of that \$15 million not being available and disappearing out of the insurance pool. If it had been done the first way by way of paying it out immediately in this year to existing policyholders, there's no question that their ability to service the consumers at large over the province would have been impaired. There's no secret, either, that Allstate happens to be one of those companies offering cheaper rates than most companies, therefore they're servicing a special part of the market that most needs the availability of cheaper insurance. I can think of a lot of my constituents, for example, in that regard.

Our choice was to have Allstate out the \$15 million and be able to write fewer policies this year. This would have affected the availability of insurance at the very time at

which we are pushing and pushing to see that more and more people have insurance rather than paying \$100 into the claims fund. We could have it paid back to the number of people who are already insured with Allstate, and who in fact had paid the higher premium. On balance, our ministry resolved that quandary in favour of the consumers at large by saying it was better to retain the ability there to continue to provide cheaper insurance to more people throughout the province, rather than to benefit this group of people.

I think it is also important to remember that Allstate—I think it's no secret—Allstate hardly needed the advantage of being able to pay it back by this route in order to hold its position in the market. It hardly needed this as a hook to hold on to its current business. Far from it, its track record over the last several years has been pretty good.

I think it's fair to say that it was more important that we make sure that the availability of insurance be protected, particularly to a lower-range carrier in terms of the cost of their insurance, rather than making it look like the AIB had been more punitive by forcing Allstate Insurance to write out cheques in the amount of \$15 million immediately.

With regard to the member's other comments, I want to say explicitly I'm far from being here in a position to defend, or desirous of defending, AIB policy in terms of who they treated more harshly throughout the program. That is not only someone else's problem, it is some other forum's problem. I'm not going to get at all into a defence of the decisions they have made. Whether \$15 million was the right amount or not, that is up to the AIB; whether they've chosen the most punitive route or not, that is up to the AIB. As far as my ministry is concerned, we want the route that will least penalize consumers at large over this province while seeing that the appropriate moneys get back out into the economy and out of Allstate's pockets. We think the route selected is the most efficient and fairest one.

Mr. Warner: That's an excellent argument for government car insurance.

Hon. Mr. Grossman: You can make that argument.

Mr. Davison: That was a very useful interjection from the member for Scarborough-Ellesmere.

If anyone is to suffer in this whole crazy episode, it shouldn't be the consumer in terms of insurance at large in Ontario; and it shouldn't certainly be the poor consumer

who bought the insurance in the first place; it should be the people who made the excess profit. So we shouldn't be in a position, as you seem to view the argument through what I can only consider to be faulty logic, of determining which group of consumers will suffer. If there is any talk of punitive action, it's in terms of the people who made the profit and not in terms of any group of consumers in Ontario.

I am not addicted to Allstate TV commercials, or their radio and magazine ads; and I have no knowledge about how competitive or non-competitive Allstate's rates may be. One can only judge the quality of their service from constituents that come to my office to raise with me a matter in regards to that insurance company. Quite frankly, I haven't found the quality of their service to be anything better than average or run-of-the-mill quality in terms of auto insurance.

[8:15]

Finally, I know insurance companies don't like or frankly won't allow people to pay their insurance on an instalment basis, except in unusual cases or on a six-month insurance contract. However, it might be those consumers will be ripped off in this episode by not being able to get back the excess money they have paid. They would have been very happy to have accepted the difference back from Allstate over a considerable number of months, perhaps even interest-free seeing as they claim to get absolutely nothing out of it anyway.

I think the ministry has made an error. I think this is a case where the ministry quite clearly could have stepped in and acted to protect consumers who are, as it seems, going to be ripped off and who are going to have no recourse. They will simply go without the money unless they renew a policy with Allstate. That's a difference of opinion, quite frankly; I guess perhaps we will have to leave it at that.

Another issue I would like to raise with you, if I might, is the issue of the amount of insurance and coverage set on housing insurance. There has been a lot of talk lately about the necessity to have insurance companies to set amounts of coverage, and the insistence of mortgage lenders on amounts of coverage to cover the total price or total real estate value of a property.

The concern that's been raised is, on the face of it, an interesting one. That is, why should somebody, when buying insurance on their home, also buy insurance on the land on which the house is sitting? When you buy insurance on the total price that's in effect

what you are doing I suspect this is an especially important thing to consumers in an area like mine, where in many cases the land is more valuable than the house. In older parts of Hamilton you often run into a situation where there is a house that is not worth a great deal, maybe only \$9,000 to \$20,000, and a piece of property that is worth \$25,000. Perhaps it's not a problem; but I would like to hear from you if there is some reason for it. Why have we permitted these mortgage companies to insist home owners buy in many cases twice as much coverage as their house is worth?

Mr. Breithaupt: Well of course they don't, they only have to insure the mortgage.

Hon. Mr. Grossman: The answer as provided by the chairman of the select committee on company law is of course they don't, the simple fact is they don't. You will find in most instances, in fact, that insurance is bought only up to the replacement value of the residence. I know in my own experience when renewals come along, a careful home owner will be cognizant of a rise in property values. He or she knows it is going to cost more to replace his or her home and they increase the value. A good insurance agent will do the same every time the renewal comes up. Be it three years or whatever, he will check the assessed value or the real value in terms of the marketability of houses on that block or in that area.

I can't imagine a case, and I certainly don't know of any cases, where a property has been insured for the full purchase price of the property. Obviously the land is not insured; such a thing is just not within my experience and I don't think my people here have any knowledge of any examples brought to their attention where 100 per cent of the purchase price of land and building has been required by a mortgage company, nor taken out.

I will say I do recall some instances, in my own knowledge, where for example a home owner may have decided to insure his home to, say 70 per cent of what he paid for the entire property, figuring the land itself was worth 30 per cent. Occasionally, then, he may end up mortgaging for 75 per cent and the mortgage company will come along and say: "Well, I want you to insure to the value of the mortgage." What you find however, is when the mortgage application is put in a revaluation of the house occurs and the mortgage company gives probably 75 per cent of the new true value, the market value as a total property. The insurance is adjusted upward. It would be very unusual for you to find the mortgage company, or anyone

else, demanding insurance for more than the actual bricks and mortar value, the replacement value of the building.

If you have any instances in which that is the case, you ought to send them along.

Mr. Davison: What I'll do is dig up a few for you. It's quite common in Hamilton for those of us who don't have a great deal of money to get pretty high ratio financing on homes, especially if we can get into one of the government programs. I'm convinced there are a large number of people in Hamilton who have their homes over-insured at the insistence of lending institutions. Perhaps it might take up less time if I give you some examples privately and we can deal with it that way.

Another concern I have in regard to mortgage companies is that it is rumoured that in recent months there has been a trend to an increase in default rates on mortgages, although it is difficult to get exact figures. That is causing me some concern, especially since I live in an area where unemployment is really starting to hit home, really starting to be a problem in a city where people who are used to having a job all of a sudden find themselves, in many cases, out of work.

Has the ministry been monitoring this trend; have they detected a substantial increase? If so, are you concerned about it?

Hon. Mr. Grossman: No, we have no knowledge of a marked increase in that practice. I am told there are now four companies offering that type of insurance.

Mr. Davison: I'm sorry, I wasn't talking about default insurance I didn't know there was such a thing. The point I was trying to raise in my own inarticulate fashion was the increase in defaults on mortgages and therefore the increase in foreclosures on mortgages. Does the ministry monitor this situation and if so, have you detected such a trend, a doubling in recent months of defaults and foreclosures on mortgages? Are you concerned about that?

Hon. Mr. Grossman: Yes, we have noticed a marked increase, not surprisingly, in the number of defaults on mortgages and subsequent foreclosures. My people have instituted discussions with the trust companies, who hold about 72 per cent of all the mortgages involved. This is also under this vote. With regard to the current situation, I am sure the concern is there.

Mr. Davison: It's nice to be talking. We seem to do a lot of that in government. Without prejudicing your ministry's discussions with the trust companies and any future discussions with other mortgage lend-

ers, does it appear there may be some positive action taken by your government, or some positive suggestions you may be able to make to the mortgage lenders so we might be able to do something to lessen the impact of the economic situation on these poor people who first have been tossed out of a job and then find themselves in the position of being tossed out of their homes?

Hon. Mr. Grossman: It is obviously of great concern. The trust companies don't like to foreclose; it doesn't do them any good. They don't want houses back, they want mortgage payments. It impairs their ability to expand further their own business, because they do not have money coming in. They suddenly find they have money going out. As you know, no one likes to throw someone out of their home. Even big businesses don't like that.

I would be happy to hear from the member any constructive suggestions he may propose. Our conversations entail, by way of what we may propose the trust companies do, fairness to all the parties involved with regard to getting everyone through this difficult time. We have no magic answers. The loan has been made; it's in default. I'd be pleased to discuss with you any suggestions you might have.

Mr. Davison: I don't have a clue. I have not been privy to the discussions between your ministry—

Hon. Mr. Grossman: There's nothing secret and sensational in them. You can speculate—as can I, I didn't sit in on them—as to the discussions. How many foreclosures have you got? How far in arrears are people before you start to move? Do you see a change in the circumstance? Is it because you over-mortgaged originally? Is it because the market's falling? What steps are you taking?

Those are logical questions. There are no magic solutions proposed by either the trust companies, that don't like to do it, or our people, who don't like to see it happen.

Mr. Lawlor: As the economy falls apart under your Caesarism, you just might have to consider moratorium legislation.

Hon. Mr. Grossman: If you want to entertain that suggestion, that's one of the alternatives.

Mr. Davison: Perhaps one of the alternatives is to make certain that your cabinet colleagues are aware of the critical situation in terms of the effect the economy is having on home-owners. It might be good if you could spark some cabinet debate on the crucial problem behind this factor—which is

really just pointing us to the crucial problem—the problem of unemployment.

Would it not be possible for you to take these facts before cabinet and say, "Look, Darcy, the economy is in bad shape. Things aren't going very well. We've had a doubling in foreclosures. The economy is really rugged, and it's time we did something in terms of serious massive job creation in Ontario"? Would you not see that as fulfilling your necessary commitment to consumers, to identify a consumer problem which your ministry have not had many ways of doing anything about, but certainly other ministers of the Crown could do something about? Could you not take it to cabinet and say that this indicates the economy is in very bad shape, something has to be done about jobs, and perhaps spark some cabinet debate as to what could be done in terms of a job-creation program?

Hon. Mr. Grossman: I first want to assure the member that the information I get, not only from this branch of my ministry but all the others, as it relates to the economy, is constantly brought to the attention of not only cabinet as a whole but the various cabinet committees I sit on. They're well aware of the information I'm giving you tonight. They've certainly heard it before.

Second, just so you'll have it in perspective, at the present time there is really not a great change reflected from what are commonly known as the good times, in terms of mortgage default. That is for the very obvious reason that the last thing most people let go into arrears are their mortgages, because they know there are pretty severe consequences. So at the moment, while there is some concern and a slight increase, it is nowhere near a marked increase.

As further evidence of that I know you'll appreciate that the condominium legislation I introduced last week was partly due to the fact that while many condominium unit owners let their common expense payments go into arrears, and therefore throw the burden of their financial difficulties on other unit owners, they don't let their mortgages go into arrears. They're electing to shift the burden of bearing their temporary financial problems upon those who have the least available remedy. So the mortgage situation again is nowhere near crisis situation at the present time.

[8:30]

The facts, as they are, show a slight upturn. Those have been brought to the attention of my colleagues. In the long run, if

the situation continues to deteriorate, or the number of defaults accelerates, then we would undertake certain discussions with trust companies and mortgage lenders. For example, the moratorium would be the more drastic action. There would be some discussions about the possibilities of renegotiating some of the terms of mortgages to provide a longer payout period, perhaps amortize them over a longer period, or move to interest-only on the mortgages for a period of months. Those are not only proposals which I would bring to the attention of the mortgage companies at that particular time. In fact, it is a practice that is ordinarily carried on by mortgage companies at all times—good times or bad times. They just hate to foreclose on homes. Mostly they would get involved in renegotiation if they can see any hope whatsoever, for, say, a period of temporary unemployment to become resolved.

Those are all alternatives we would discuss more and more as the situation deteriorates. We hope it won't deteriorate. It is by no means at a serious state just yet.

Mr. Davison: My understanding was that the figures in Toronto indicated a 100 per cent increase in recent months in the rate of foreclosure. I would suspect that doubling, or 100 per cent increase, is fairly serious. I think the minister makes a good point though, when he says the last thing that people let go are their mortgages, their house payments. It is then very critical that we understand foreclosure rate increases as being a symptom rather than a disease.

The problem is unemployment more than it is a question of people not being able to meet their mortgage commitments. I would think the least the minister could do on behalf of consumers in Ontario is to make his colleagues in cabinet, who at times seem not to be aware of the seriousness of the economic condition in Ontario, aware of this symptom of the disease—to see this particular problem as evidence of the need for job creation programs.

If the minister is not wanting to put that before the cabinet so be it, but I think it is another case of an area where the minister could do something positive and could bring that problem to cabinet as an example.

There are three other issues I want to raise under this vote. One is access to credit by women in Ontario. First, could the minister tell me if a credit-giving institution such as Sears or Eaton's or Woolco or department stores fall in ambit of the financial institutions?

I take it the shaking of the minister's head means no.

Mr. Chairman: I understand this comes under item 6.

Mr. Davison: They are credit lending institutions but they are not financial institutions.

Mr. Chairman: It comes under business practices.

Mr. Davison: I would make the point they are people who give credit. Therefore, the ministry should have some say in their credit policies.

However, be that as it may, I understand that over the past year or so, or the past months anyway, the ministry has been to some extent patting itself on the back about the opening up of credit to women. I suspect to some extent that is justified. It is a bit easier now for women to gain access to credit.

Are you aware of comments made by Christine Lawrence, who is the manager of the Metro Toronto Women's Credit Union, when she says that married women are very poor risks? That is evidenced by the fact that they are generally considered bad risks by big money lenders. When they apply for a loan they are required to have a husband as a co-signer. What does the minister think about this practice of lending institutions requiring, in many cases, married women to have their husbands co-sign a loan, as opposed to single women who of course don't have a husband to co-sign a loan and in most cases don't require a co-signer?

Hon. Mr. Grossman: I have tried to be as co-operative as possible in including all the jumping around we have done on the early votes, Mr. Chairman. I have staff with me who can assist me in dealing with this. I don't pretend to have all the answers.

In fact, I'm sitting here trying to assist the member by going through my information which I have under vote 1402, item 6, where it belongs. I'd be happy to deal with it then. We'll get to it in order. That will make it easier for me to give you more information.

Mr. Davison: I'm sorry. I thought under financial institutions we could talk about things like access to credit.

Hon. Mr. Grossman: If you want to talk about it, if you'll just give me a few minutes, I'll dig through the later stuff and get it for you. I don't want you to think I'm being difficult. I'd be happy to do it now. You'll just have to wait a minute. It's your choice.

Mr. Davison: I'm interested in making things easier for the minister.

Something that has troubled me about financial institutions is a past practice of insurance companies which I sure as the devil hope is no longer continuing. A woman came into my office two months ago with an insurance policy on which she had over a number of years paid premiums far in excess of the value of the policy. We all know that insurance companies all along the way make money by lending out that money, so there's no telling how much of a profit the insurance company had made.

I take it that now when an agent is sitting down with an individual and looking at the kinds of contracts that may be written, we require insurance companies to explain to the individual that it's quite possible they could be paying many times more or a substantial number of dollars more than the contract is worth—unless we've done something to stop that situation, which I don't believe we have.

Hon. Mr. Grossman: You're going to have to develop your question a little bit more because we couldn't get the essence of your question.

Mr. Davison: A woman who came into my office had paid \$1,719 for a contract that was worth \$1,000. The insurance company got \$619.40 more than the contract was worth, plus all along they made a profit. They still want her to keep paying her payments. If she lives much longer, the company will have doubled or tripled or whatever the amount of money. At the time, she wasn't informed of that. She was led to believe by the insurers that when she had paid up to the amount, if she lived that long, she would then no longer have to pay premiums. But she still does have to pay premiums.

I don't think we've changed that. I think it's still possible to write such an insurance contract in Ontario. Have we made it necessary for insurance companies to explain at the time a contract is signed that it's quite possible one can pay double, for example, in premiums what the insurance is worth?

Hon. Mr. Grossman: From the details you've given us, it would appear you're referring to the cash surrender value in the first year of the contract, the first year being the year in which the agent's commission is taken out, so that you could conceivably end up with a situation such as you described, where the cash surrender value, which is disclosed in the contract, is less than the figure paid in the first year.

If you send over the details of that particular contract, if you haven't already written the

ministry, then we'll be able to find out more details about the contract, see if there's been a specific violation and immediately correct it if that's the case.

Mr. Davison: I'm sorry. I didn't give you details of the situation after your previous reprimand. I've already been in contact with the excellent officials of your office and have straightened out that the insurance company under the law could quite properly charge her what they did charge her and that in the early days when she wrote the contract there was no law against insurance company agents, who were perhaps a bit sharper than they are now, dealing with her as they had. What I am simply asking, because I have solved this case as much as it can be resolved, do we now have controls over the insurance industry that will prevent the kind of situation that occurred in that case? Must they now fully disclose all possible details and aspects of the contract?

Hon. Mr. Grossman: I presume the answer you got from my people was that all the material and facts were disclosed because you've reported to me they were operating within the law.

I must say my people, who are as experienced as you can get in the field, have not, from the information you've given us just over the floor tonight, been able to identify specifically the problem you're dealing with. If you want to send over your file, even while our discussions continue on other matters, and even if we get to other votes, then they can have a look at the file. I'd be happy to tell you what they say on the basis of the information you send over. They really can't identify the specific problem you're talking about just from what you've told me. I'd be happy to co-operate. If you send it over, I'll give a full and complete answer within minutes.

Mr. Davison: I don't have a problem with this lady any more. It's already resolved.

Hon. Mr. Grossman: No, but you may have a very valid concern about a practice occurring out there in the marketplace. I would like to know if there is a practice occurring out there which is within the confines of the current law and which you feel causes you some concern. I would like to know if there is something happening out there that is adversely affecting consumers and which you think is unfair. If that's the situation, I'd like to know about it because maybe we'll look at the law. So if you send that over my staff will be able to tell me what the specific problem is and why they're able to do whatever they're doing within the confines of the

law. We'll have a look at it. I'd appreciate having that assistance from you.

Mr. Davison: I will turn my notes into some kind of legible document and transmit them at some early as possible date so we can deal with this issue again, perhaps outside of the estimates. We don't need to dwell on it at great length. Perhaps we can come to a resolution over the next few weeks.

Finally, I think I'm beginning to understand what the Cemeteries Act administration does. Are these the people involved in the incident at the London jail last July? People were involved in digging around the walls and demolishing some walls which was going to lead to the disruption of grave sites. They're the same people who were involved in the problem with native people burial sites in northern Ontario.

I have two questions. First of all, what are they doing under the financial institutions branch of your ministry? Or for that matter, under your ministry?

Second, what steps have been taken to try and resolve the problem with the native people in native burial sites in northern Ontario?

Hon. Mr. Grossman: Okay. They're in financial institutions in my ministry because they are a major activity. The perpetual care funds are a major activity which calls for auditing of the statements, et cetera. They need the same protection we give, in a sense, to pensions. That's what they do in the ministry. They've got to be somewhere so someone with expertise can check and see those funds are going to be there to maintain those burial grounds in perpetuity.

Before continuing, I have to get on the record I now have more colleagues in the House, or at least as many, on my side as on the NDP side. Unbelievably, the Liberals are one ahead of us.

Mr. Reed: As usual. What else is new?

Mr. Davison: You have, unfortunately, more colleagues to draw upon.

Mr. McClellan: He can't count.

Mr. Lewis: Yes, you can't even count. Do you know that? That's a disgrace.

Hon. Mr. Grossman: There's five on my side and five on yours. One isn't in his seat. That doesn't count.

Mr. Chairman: We are on item 3.

Hon. Mr. Grossman: I was here alone and it was all right. I wanted to set the record straight, fair is fair.

Mr. Nixon: Think of all the people reading this part of the record.

Mr. G. Taylor: Or any part.

Mr. Nixon: There will be your daddy.
[8:45]

Hon. Mr. Grossman: And Michael's daddy and Stephen's daddy. We have taken the position that such sites are protected by the Cemeteries Act. When these sites are found they can be protected where they are and they should remain there in the same manner as in any other cemetery.

If they must be moved, and there are some instances in which that is the case—indeed it could happen behind the Don jail for that matter—this must be done under the proper supervision, both medical and scientific, carefully and with due respect for the subject matter. In the event the Ministry of Culture and Recreation issues a licence to an archaeologist to remove the burials, then that becomes their responsibility; they have issued that licence. That's our role in the sense of the burial grounds to which you are referring.

Mr. Davison: But, Mr. Minister, it is not so much the problem at the London jail. There are other special problems with native peoples—this is not meant as criticism of your government but as criticism of our culture, we have removed and destroyed so much of their heritage. We have come to the last point where without consultation, or apparently without proper consultation, over the past years in Ontario we have been disturbing native burial sites to which they attach a rather special cultural significance—a significance which our culture does not attach to those sites.

The concern was raised over the past years that it was incumbent on the ministry or the people administering the Cemeteries Act or the people in the Ministry of Culture and Recreation to be very careful and at least have some kind of serious consultation with native people about work on unrecorded native burial sites; I would like to know how the ministries have responded to that. What have you done to make sure we are consulting and working fairly carefully and closely with native people in this regard?

Hon. Mr. Grossman: The practice and procedure followed is to be sure any burial grounds, including those of native people, are given the full protection of the Cemeteries Act and I have said, they should remain where they are found, protected and respected the same as any cemetery.

If they have to be moved, the utmost consultation goes on. We are very, very careful about this. It's a delicate subject which is handled carefully. We make sure the removal, if it does occur, is done with

the understanding and consent of all those people involved and done, as I say, with the proper scientific and medical supervision and, importantly, with all due respect and care for the subjects and the items in question. I want to assure the member all the procedures under the Act are not only in place but very carefully and delicately followed to ensure the utmost dialogue, especially in those areas in which you are concerned.

Mr. Davison: Those procedures have been worked out with the native people of Ontario? They are not procedures that you have worked out just in your ministry?

Hon. Mr. Grossman: Yes, that's it.

Mr. Williams: Mr. Minister, we were speaking earlier about the question of an increasing number of mortgage defaults and the concerns expressed with regard to that accelerating situation. You had started to make comment on the number of mortgage insurance companies in operation, the object of which is to insure the repayment of mortgage loans. You indicated in your response to one of the questions asked there were in fact four such companies operating in Ontario if not throughout Canada as a whole.

I am wondering, Mr. Minister, if you could indicate whether or not your ministry has any way of determining the percentage of real estate mortgage investments in Ontario that are covered by this form of insurance, and whether or not that information is available? Could you indicate to what extent securities have to be maintained by such licensed companies in insuring mortgages? Do they have to have a certain percentage backup reserve of funds to meet their increasing portfolio of mortgages insured? What is the formula that is applied in that regard? While the minister is giving some thought to those questions, I'd like to turn to a related field dealing with the activities that go on under the Loan and Trust Corporations Act.

This is an area in which the activities of the companies that are classified under that Act generate a great amount of capital in the form of real estate mortgages. Loan and trust corporations in particular probably hold the forefront in providing for the investment of foreign capital in our province, foreign capital that comes into this country from many jurisdictions, not only the United States and Japan, but European countries as well.

I am wondering if you could give some indication as to the percentage factor of foreign investments handled by the loan and trust companies as loan correspondents; the relative percentage of moneys that they would administer in the overall flow of mortgage moneys that are invested on an annual basis

in the province. I believe they represent a very significant part of the overall investment portfolio held by companies in Ontario real estate and, therefore, act as a barometer of the economic well-being of the province as far as investment by foreign corporations is concerned. To what extent has the ministry an analytical presentation or résumé on the activities that have been occurring in this field in recent months?

It would be particularly interesting to know whether there has been any marked or significant increase in the amount of foreign investment that has transpired since the amendments to our land speculation tax laws and our land transfer tax laws. I am sure the effect of those laws would have some influence on the amount of foreign investment being made in this province. It may be too soon to get any true indication as to a probable improvement in the amount of foreign investment coming in and being processed through the loan and trust corporations as correspondents for these foreign investors.

On the other hand, you may have some preliminary statistics that would be of information and use to us in getting some idea as to whether in fact there has been an increased confidence in the province of Ontario as a good place to invest money in real estate undertakings.

The other statute that I would like you to comment on briefly, if you would, is the one pertaining again to insurance; I am referring to the Ontario Deposit Insurance Corporation Act in particular. I'm not personally aware to what extent the Act has been put to use in recent times in coming to the aid of depositors in member institutions that are registered under the Ontario Deposit Insurance Corporation Act. I don't know whether there has been any significant call upon the Act since its inception.

Mr. Lawlor: I should hope not.

Mr. Williams: It is a fairly recent form of legislation. I have never heard of any significant call upon the resources of the corporation set up under the Act to assist any of the member institutions which may have found themselves in a financially embarrassing situation. It may be the need for the Act has yet to be proven, although the very fact it's in place is in itself a form of security we can't do without.

Those are two or three matters that have been of some concern to me. Perhaps you could make a comment.

Mr. Lawlor: Don't you realize you are tearing your minister apart and the embarrassing situation you are causing him? He is a new minister. Take it easy on him.

Mr. Lewis: That's true. That's a pretty devastating critique you're making. Ease up on him.

Mr. Williams: Perhaps you could alleviate some of these concerns in your responses.

Hon. Mr. Grossman: To deal with the questions in reverse order—

Mr. Lawlor: That's a good way to deal with them. How about doing it inside out?

Mr. Lewis: Try putting the verbs at the end of the sentence. There may be a glimmer of comprehension.

Hon. Mr. Grossman: I can't do that. To deal with these things in the reverse order, in any case, the Ontario Deposit Insurance Corporation Act is not operative because for some years now they have all been under the Canada Deposit Insurance Corporation Act. Therefore, those figures and those statistics would only be available from the federal ministry.

With regard to the second question, it's a similar answer because those figures with regard to the amount of American investment would not be available through our loan and trust companies but rather through the Foreign Investment Review Agency, through which most of those dollars must travel. Loan and trust companies do not record, nor are they required to record, the information asked by the member.

On the first matter, mortgage insurance companies are subject to the same criteria for ability to repay, ability to keep in business and their solvency generally as are other insurance companies, which essentially is that twice their premiums must equal their paid-up surplus and that their assets must equal 115 per cent of their liability. Those are two of the major solvency tests. They are the same for those companies as for other companies.

Mr. Williams: Did I understand you to say the Ontario Deposit Insurance Corporation Act is not operative?

Mr. Lawlor: That's right, because the federals have taken it over.

Hon. Mr. Grossman: Correct. The corporation is not operative. The federal government has taken it over under the Canada Deposit Insurance Corporation Act.

Mr. Williams: If that is factually and technically correct, what is the purpose of having the Act in place if it's now administered entirely by the federal authorities?

Mr. Reed: Maybe we need a sunset law.

Mr. Chairman: Does the member for Oriole have further questions?

Mr. Williams: Yes, I do.

Mr. Lawlor: You are not serious?

Hon. Mr. Grossman: In case the CDIC should in any extreme circumstance refuse to provide the necessary back-up insurance, then keeping the Act in place in Ontario would provide the Lieutenant Governor in Council with the authority and power to immediately set up a corporation which could step into the breach in the event that occurred.

[9:00]

Mr. Lewis: I think it is about time for an anti-lawyer speech just about now.

Mr. Williams: Then the Act is operative but not operating, is that not more accurate, Mr. Minister?

Hon. Mr. Grossman: The corporation is not operating.

Mr. Williams: Mr. Minister, you indicated there was no way of determining the amount of foreign, specifically American, investment. I was referring to foreign investment as a total package. You indicated the degree of foreign investment was not determinable, yet the superintendent publishes in the annual statements the amounts of foreign investment generated by the individual loan and trust companies in their overall mortgage loan portfolios. These figures are set out quite clearly in the reports I have seen published. On that basis I cannot understand why you would say there is no information available as to the varying degrees of foreign investment being made on an annual basis in this province.

Hon. Mr. Grossman: If you have the figures with you, perhaps you can send them over here. The superintendent cannot remember offhand those figures you have described as appearing in his report. In the event you might be able to supply us with your reference, I am sure the superintendent could explain what those figures do, in fact, represent. But at the moment, as you have described them, the superintendent cannot identify the figures you are referring to.

Mr. B. Newman: Mr. Chairman, I wanted to refer to the Cemeteries Act.

Mr. Lawlor: What a ghoulish subject.

Mr. B. Newman: The minister may not be aware, but the members of his staff can recall the Greenlawn Memorial Mausoleum and cemetery in the city of Windsor—the mausoleum going into a serious state of disrepair, and those who have had loved ones in the mausoleum being very much concerned. I have been in touch with his officials for about three years now on the problem. The problem still is not resolved. Could

the minister tell me and the House when he expects the problem to be resolved?

Hon. Mr. Grossman: Not to raise false hopes, but I am informed that a very important meeting was held last week. It looks as if it should be the final meeting and action on the site should now not be too long removed.

Mr. B. Newman: I hope so, because those involved certainly have waited long enough. I know there were complications trying to establish the ownership in the first place, then who takes over when the owner refuses to maintain the mausoleum. If the meeting last week will resolve it, you will put a lot of people's minds to rest.

Mr. Lewis: A good subject for a cemetery.

Mr. Reed: A dead issue.

Hon. Mr. Grossman: And I hope in peace. If there is any further delay, I will communicate with you directly.

Mr. B. Newman: Thank you, Mr. Minister.

Mr. Lawlor: Two points under this vote. It has been recently reported to me that there is a practice developing with the mortgage and loan corporations, and I suppose with the trust companies and insurance companies. As you know, from when you were at an earlier time practising law and earning an honest living, most conventional mortgages issued by the corporations have set terms, say five years. In an exigency, or when a sale is taking place you would write them a letter and ask them to release their mortgage or discharge it. They would write back and say, "Yes, we will do that, if the interest rate is low."

With a mortgage they would like to get out of their portfolio, they would say, "Yes, we will take it. We will not charge you extra interest." Strictly speaking, under the terms of the mortgage, I suppose some mortgages go right through to the end of the mortgage with respect to accumulating interest.

Very often they'd say three months. Now, I'm told, many of these companies are saying six months. I don't know whether you find that a bit onerous upon people, and whether it would be at all in your grain to move in somewhat on this practice. A demand of six months' interest on a mortgage of, say, \$15,000 with an interest rate of 10½ or 11 per cent is a very considerable sum of money in the context. Are you aware of this developing new practice?

Second, do you think that your department has some responsibility, not necessarily in moving legislation but in pointing

this out to the companies by saying that that extra interest—the spread on their interest rates between receipts and what they make on the disbursement—has widened? A number of the companies' profit margins have been seriously cut into in recent times. This is a device to bolster or expand their whole revenue picture, but it is a questionable device. I would welcome the remarks of the ministry about this.

Hon. Mr. Grossman: I'll give you the remarks of the minister. I always found the practice rather distasteful when I was out there earning an honest living. Since I've been here, I must tell you I wasn't aware that the practice had expanded to six months. The hon. member for Brant-Oxford-Norfolk is in the House, I suppose we should be careful what we say about when we were practising law. In any case, I do find the practice—

Mr. Lawlor: The hon. member for Brant-Oxford-Norfolk is totally repentant now. He has withdrawn every remark he ever made.

Mr. Nixon: Of course that is a complete and utter falsehood and if you would like me to reiterate them I feel them coming on.

Mr. Lawlor: I don't want to goad him tonight. I take it all back. I withdraw every remark I ever made.

Hon. Mr. Grossman: I think we're ready for his remarks.

Mr. Nixon: There is something about your loquacious approach to this that reminds me of what is really wrong with the law.

Mr. Chairman: Item 3, the hon. minister.

Mr. Lewis: Mr. Chairman, we are verging on another spasm of legal bashing. I urge you, sir, to keep order.

Hon. Mr. Grossman: I think the member for Lakeshore and I are prepared to take you on any vote tonight. You can raise it on any vote tonight. You can raise it at any stage in the estimates. We'll take it up.

Mr. Lewis: Don't press it. Don't press it.

Mr. Swart: Don't count on the member for Lakeshore to back you up.

Hon. Mr. Grossman: Since I've been removed from the practice of law for a few years now I wasn't aware that the practice had crept up from three months to six months. Frankly, I have always thought that a reasonable notice period was quite sufficient without having onerous bonus provisions in mortgages, or in fact having closed mortgages at all. As the member for Lakeshore quite properly points out, they're nothing but levers which can be used at the

leisure of the mortgagor, as the mortgagor or the mortgage company sees fit, depending upon the current rates.

Happily, if the federal government ever gets around to it it will be grappling with this problem. I believe one of the provisions of the proposed Borrowers' and Depositors' Protection Act would have called for no closed mortgages and all mortgages would be open on three months' notice.

I would certainly welcome that sort of legislation. I suppose we can't wait forever expecting that Act to show up. I do believe it will show up in the not-too-distant future. In the event it doesn't, I don't mind saying to the member that although the Mortgages Act of the province does not come under my ministry I would hope that mortgage companies—and I say it on the record so they can be aware of at least my feeling on the matter, for what it's worth—I would hope that mortgage companies would at least be aware that I certainly frown upon the practice.

I hope it doesn't occur and I hope it doesn't expand to six months. I would hope that even the existing practice of three months, or a long-term closed mortgage, is not used in an abusive way pending the federal legislation.

Mr. Lawlor: Second question: Are things now running smoothly with the credit unions after your predecessor in office spent a great deal of time and palaver and, I thought, showed a certain element of pretence, in seeking to smooth over and make himself palatable in that one?

Hon. Mr. Grossman: Yes, you will recall that last Friday I announced Ontario's share in the Canada Deposit Insurance Corporation went into operation, last Thursday, December 1. Its bylaws were in place. All the members were there, present and on board, and it was now very real and functioning. I am happy to report all the optimism of my predecessor has been justified. Things are running just swimmingly so far.

Mr. Lawlor: He lifted a potential burden from yourself.

What is the situation on the trust corporations, and the Loan and Trust Corporations Act?

Hon. Mr. Grossman: First, I presume you are aware that in the financial institutions division of the ministry we have been dealing with the report of a very fine select committee. I know the member will be aware the amendment would be so extensive pursuant to that report that it would entail an entire new Act. We would hope things

will be ready not too long from now but we're also aware it would be timely to await the proposed changes to the Bank Act which may have an effect on the ultimate legislation we might bring down as a result of the report of the select committee.

The review is continuing. I know you're anxious to get the thing in place pursuant to the report of the select committee but we're going to continue our deliberations on it in the ministry and wait and see what happens federally and then bring in an entirely new bill.

Mr. Lawlor: I know this will be difficult to answer because it's a federal question. Are those bank hearings about the near-bank concepts; the fairly hard-nosed attitude of the banking community against the trust community in trying to keep them in their place, so to speak, and certainly not to give them lending powers in order to hold them in line, and to exclude them from a number of areas of financial management, fairly close to being consummated? Your department monitors that, I take it, pretty closely watching the situation. My feeling was those hearings and the recommendations coming through from the minister must be fairly close to being consummated. Would that be true?

Hon. Mr. Grossman: My staff does monitor closely. They're not terribly sure how imminent or how comprehensive the federal proposals are at this time. Indeed, "imminent" with the federal government on some of these matters doesn't mean much more than "in the fullness of time."

In any case, the subject of the Bank Act is on the agenda for the meeting with the federal and provincial ministers which will occur in March of next year. At that time, I will be able to report back to you with regard to some of those details.

Mr. McClellan: I want to ask a couple of questions with respect to the regulation of out-of-province loan or trust corporations which may be providing mortgages in Ontario.

First, since I'm treading on totally uncharted waters as far as I'm concerned, can the minister tell me under what legislation such out-of-province loan or trust corporations are authorized to do business in Ontario? Is it under the Loan and Trust Corporations Act or a separate piece of legislation?

[9:15]

Hon. Mr. Grossman: All those companies lending mortgages in Ontario must register

under the Loan and Trust Corporations Act, and they must register in Ontario with us.

Mr. McClellan: There is a certain confusion in my mind. The Loan and Trust Corporations Act requires corporations to establish a head office in Ontario, as I read the Act. Yet at least one company with which I am familiar, City Savings and Trust, does not have a head office in Ontario in the sense that one can do business with that head office the way one would expect to be able to do business here in Ontario. One has to do business through the Vancouver office. Does that requirement mean they must establish a head office in Ontario? Does it mean an Ontario resident is able to do all his business with the head office here in Ontario and that head office is accountable for the actions of the corporation under Ontario law? Because that's certainly not my experience.

Hon. Mr. Grossman: Nor is it, to my understanding, the requirement of the Act that the head office be in Ontario. What it requires is that all companies doing business in Ontario be registered in Ontario under the Act and all those companies are subject to the same rules, regulations and controls, regardless of whether they are Ontario companies with head offices in Ontario or companies operating, for example, with head offices in Vancouver or Montreal.

Have you got the section of the Act to which you are referring? Perhaps I can help you.

Mr. McClellan: I am afraid I am desperately trying to find it. I was looking at it—

Hon. Mr. Grossman: You can get distracted in these estimates.

Mr. McClellan: Yes, well, be that as it may, I may be able to find it before I complete my questions. The difficulty is this. A mortgage company has lent you a mortgage. You are a resident of Ontario and it's a corporation with its head office in Vancouver. If you run into a hassle with that mortgage company, you have to deal with the head office in Vancouver. If you get into a dispute with them with respect to your payments, you have to deal with them across the distance between here and Vancouver. If you say, "I have paid my mortgage payments on time every month for the last five years," and the mortgage is about to close and they say, "No, you haven't paid your mortgage every month on time for the last five years, you owe us so many hundred dollars for late payments and we are not going to let you close the mortgage until you pay," the only way you can come to a satisfaction of that

dispute is to go to Vancouver and fight it out in the Vancouver courts. I may misunderstand fundamentally the workings of your legislation, but that is certainly the experience.

Hon. Mr. Grossman: Obviously I can't give you any specific response to the specific problem you have. I would be surprised if the problem you are outlining were the case. Each company from outside the province, licensed and registered within Ontario to do business in Ontario, must have a permanent office in Ontario, a real permanent office, together with a chief agent in Ontario, someone to deal with for precisely that situation, so there is someone and some place in Ontario where you can go to get relief. I would refer you to section 134 of the Act which deals with the subject. It's under the registration portion of the Act section 134(1): "Where a corporation applying for registry has its head office outside Ontario"—which confirms what I said earlier that you can have your head office outside Ontario—"the application shall be accompanied by a power of attorney from the corporation to an agent or agents resident in Ontario."

You will go on to see subsection 4: "The power of attorney shall declare at what place in Ontario the chief agency of the corporation is or is to be established and shall expressly authorize the agent or agents to receive service of process in all actions and proceedings against the corporation in Ontario for any liability incurred by the corporation therein . . ." and so on. It gives the mortgagee as it were great rights to sue that chief agent in Ontario and be subject to Ontario's laws in the service of all documents upon that person.

Mr. McClellan: So it is possible then to initiate in all cases a lawsuit against the corporation through their agent who is required to be registered here.

Hon. Mr. Grossman: Precisely. That is the purport of the legislation; that is exactly what it says. If you want to give us the details of the problem you have had, we will look into it, and see why you had to deal with Vancouver.

Mrs. Campbell: I have two questions. One is with reference to insurance practices. I have not had any recent complaints and I don't know how widespread the practice has been with those insurance companies dealing with the insurance of property as opposed to motor vehicles. That's what appeared to be a practice of blacklisting properties—not having the individual blacklisted because of some previous insurance problem but properties—in a given section of a municipality.

We had this in Toronto over a number of years. Whether it is the new or reasonably new bylaw in Toronto which has changed this, or whether it is a practice in Toronto any longer, I don't know. I simply haven't had any criticism. But I wondered whether that wouldn't perhaps apply to other municipalities in the province of Ontario. Is there any monitoring by your ministry with reference to that practice, which puts tremendous pressure on owners of buildings in some of the given areas?

Hon. Mr. Grossman: My people report to me that their experience, like that of the member for St. George, is that while it may have been a bit of a practice in an earlier stage, they are not aware of that as a continuing problem any longer, either in Toronto or in other municipalities. With regard to the monitoring, I believe it is mostly a problem which comes to our attention pretty quickly. People seem to have no problem when they can't get insurance, saying there has to be someone to call and locating the office. We wish people were often that anxious to call when they have simple rate problems, but there appears to be no hesitancy to call when they have a problem getting coverage.

I am informed that part of the resolution of that whole problem is the fact that there are now four insurance agencies which specialize in placing what is referred to as substantial risks.

Mrs. Campbell: Are they placing them?

Hon. Mr. Grossman: They are placing them. Most of them are insured under subscription policies, taken by a group of insurers. There is a pooling in order to fill what apparently was a previous reluctance to insure some properties in a given area. The problem has now been solved.

Mrs. Campbell: I'm delighted to know it. May I just pursue that? You say there is now some kind of group; what is it, a community group that gets together in an area? What kind of premiums, what are we talking about? I don't understand.

Hon. Mr. Grossman: Apparently the insurance companies have got together jointly—

Mrs. Campbell: Oh, they group the insurance—

Hon. Mr. Grossman: Yes, the insurance coverages are pooled. They are all undertaking the risk in order to service the market as a whole.

Mrs. Campbell: The other question is also a residual matter from the old checkerboarding days. I'm wondering what, if anything, has been done about those who hold mort-

gages and who seem to have been carrying on transactions in them. I'm sorry that I may not be accurate in my description of the company as I can't locate a file because my secretary isn't there. Are White Oaks and following White Oaks, Maple Hill, both holding mortgages on properties in the checkerboarding area? We seem still to be having some problems with them. What did your ministry do, or what has it done, about this kind of dealing in land in this province?

Hon. Mr. Grossman: I must say it's not something that falls into the jurisdiction of the financial institutions branch of this ministry, I believe. I'm familiar with the problem.

Mrs. Campbell: These are mortgages.

Hon. Mr. Grossman: Yes, but I believe the practice you're referring to was an attempt to use checkerboarding and subsequently the mortgaging of those checkerboarded lots—

Mrs. Campbell: That's right.

Hon. Mr. Grossman: —in order to effect something that gets around the Planning Act.

I would suggest it's a Planning Act matter for the Minister of Housing (Mr. Rhodes). If it were a matter, for example, of an institution going in as part of the scheme to divert the Planning Act then I'm sure we might have a chat with the institution as to whether it had been part of a scheme knowingly to get around the Planning Act. But other than that situation, it is a Planning Act matter.

Mr. G. Taylor: On the subject of driving schools, has your ministry done any investigation as to whether driving schools, both in the educational system and in the private sector, have produced cheaper insurance rates for those people graduating from or attending drivers' schools?

Hon. Mr. Grossman: Yes, this was a matter we discussed in the House a little earlier, but not in great detail at that particular time. I think it was a year ago when the government approached the insurance industry especially with regard to the high insurance rates for new drivers. As a result, insurance companies began a program whereby those young people, especially new drivers, were able to attend certain driving schools to take approved courses. Having completed those courses and having received the proper certification, new drivers who had participated in that program were then granted decreases in insurance rates of, I think, up to 44 per cent by some insurance companies.

Some problem has arisen and it was raised, quite properly, in the House with regard to the fact that many people taking the courses are unaware that the particular course they are taking is not recognized by the insurance companies in question. We encourage people not only to take the properly accredited and recognized courses, but to make sure they follow up by dealing with insurance companies that recognize those courses. Our advice to new drivers is to check to see which courses are accredited—I think it's through the Ontario Safety League—and then to make sure they go to a company belonging to the Insurance Bureau of Canada, 90 per cent of which will then give the appropriate credit for having completed those courses successfully.

I might say I would hope that more driving schools would be accredited by the Ontario Safety League in order to make this coverage more common and in order that more people would be taking the courses. It's a two-fold protection and the insurance companies have co-operated by saying that if people take these courses then they're entitled to the credit, having passed those courses. We would encourage people to take the courses and follow it up with the proper insurance companies. I would hope more and more insurance companies would join up and agree to participate in those courses.

Mr. G. Taylor: Mr. Minister, a further question on the Motor Vehicle Accident Claims Act. There are substantial funds paid out of that each and every year—
[9:30]

Mr. Chairman: I believe your question should probably be withheld until we get to item 4.

Mr. G. Taylor: Oh, that is in item 4. Let us go back to the credit unions, then.

Mr. Minister, some of the credit unions have objects and powers within certain geographical limits. In the area which I represent there could possibly be annexation and one credit union will lose a great deal of territory from the area which they cover. Is your ministry considering any legislation that would assist that particular credit union or other credit unions that fall under this same category when areas or geographical boundaries within which they work are annexed by other municipalities?

Hon. Mr. Grossman: I am informed the new Act does not bind the credit unions to geographical boundaries. It is up to the members of the credit union to deal as they wish. They are not subject to any of the boundary changes under the new Act.

Mr. G. Taylor: There seem to be excessive changes to the objects of these corporations entailing financial consideration to revamp their objects. Would your ministry be considering waiving those provisions where it has not been of their volition that their area has been reduced?

Hon. Mr. Grossman: Well, again their decision with regard to the area in which they operate has nothing to do with annexation or the lack of annexation. It is entirely a decision the credit union members may take from time to time. Whether they choose to do it because the municipal boundaries have been changed or simply because the company they work for has shifted location or whatever, is entirely a decision made by the credit union members. They would have to follow the same procedure.

Mr. G. Taylor: Mr. Minister, to get the point more precisely: Would you require a further filing fee for changing their objects to allow them to conduct their services within geographical boundaries? Naturally, if they do change their objects, there is going to be an increased fee. Is there any provision for waiving that fee?

Hon. Mr. Grossman: As my friend from Renfrew North (Mr. Conway), would say, even the fine burghers of Simcoe Centre are going to have to pay the fee for filing supplementary letters and changing the objects, the same as the good burghers of St. Andrew-St. Patrick, if the situation arises.

Mr. Swart: I have a matter I would like to take up with the minister at this time. It concerns a constituent of mine. I will send him the details of the names and the addresses but there is a matter of some principle involved on which I would like him to comment at this time.

This case surrounds a man and wife who bought a very small home in a locality in the Niagara Peninsula. They paid \$500 down and had a mortgage of \$9,500. They bought it in January of this year. They made two payments on it, did not keep up the payments and it was repossessed in June of this year; it was total repossession whereby the locks were changed. They had to move out and rent some property.

They were informed by the investment company shortly thereafter that they are still being held responsible for the payment of that mortgage money, in addition to having that home repossessed by this investment company. They have been threatened with being taken to court or having wages garnished. Is it possible under present legislation that this can take place?

I would point out at this time the property has not yet been resold. But these threats have been made to these people and their lawyer, so they tell me, has indicated to them that they can be held responsible for this. Does the legislation permit this sort of thing?

Hon. Mr. Grossman: Well, sure, my friend the member for Lakeshore will confirm to you the action to retake property is an action to foreclose on security for a loan. The security is always in a real sense a backup to a personal signature and therefore if it is a foreclosure action in the ordinary course, it is always an action for payment, possession and foreclosure. Payment—personal payment. Possession—obviously possession is needed to effect sale of the property. And foreclosure.

They may have proceeded by another route, I don't know. Property: whether it's a good pledge to the bank, you may pledge your car, your gold ring if you had one—anything. In this case, it happens to be security on real property as evidenced by a mortgage. That is collateral to your signature and where they have not succeeded in selling the property and effecting payment then they are entitled to take whatever step is necessary to get their \$9,500 plus interest back from the borrower.

In the event that payments are made on the ultimate sale of the home your constituent will be entitled to get whatever extra moneys might come out, so that the mortgage lender is not in a better position for having foreclosed on the loan.

In essence, the situation is that it's not a matter of the mortgage company or the mortgagee being required to select his remedy. He need not select to take an action against you personally, or to take an action to recover your home, or your car if you've also pledged your car, and sell it to get the assets out of it.

Indeed, to draw one other parallel, it's often the case a person will get a mortgage on his home and also have a guarantor on that mortgage. For example, on a second mortgage the bank or mortgage company may think there's not enough equity. They'll say, "All right. We'll give you a mortgage up to 95 per cent of the value of your property, if you get Lawlor, QC, to co-sign." That's great, but if Lawlor, QC, co-signs that doesn't mean they've elected to go after him. They will go after him, sell the home, and then go after you personally until they have all the money.

Mr. Lawlor: Mr. Chairman, on a point of personal privilege: I don't mind being made a magnate, a tycoon in the industrial factor, and used symbolically, I hope, with respect to the whole capitalist system, but I would ask the minister at some point—taking both

the home and the money, I would cease and desist, so to speak, and I would ask the minister to do the same. He can use John Q. Public or someone else but not my name.

Mr. Deputy Speaker: I thought you would be honoured to be pointed out in this way.

Mr. Lawlor: Not in that particular context, Mr. Chairman.

Mr. Deputy Chairman: Would the minister use "Stravinsky" from now on, please?

Mr. Lawlor: Stravinsky, that's all right.

Hon. Mr. Grossman: It's Stravinsky, rather than Lawlor, QC, who may be judgement proof, but in any event we're going after the guarantor. It is only another piece of security, as is the property. I might say I'm rather surprised they haven't effected sale. What often happens in these circumstances—it is a very common complaint—is that the property is resold for an insufficient amount. We would often get complaints from someone saying, "Hey, come on. That property is worth \$9,500"—in your case—"not the \$6,000 you sold it for. Now you're looking at my constituents for the extra \$3,500." The role the courts play in those proceedings is to make sure the price is a fair and equitable one.

Mr. Swart: One further question then: It is quite possible for a mortgage company to loan moneys in excess of the value of the property, then repossess the property and place a guarantee against a person's wages to recover the rest of it, or if he doesn't sell it, to continue to recover the amount as best he can up until the time that it is sold, with the possibility that this person can lose his job because of the garnishees—there's no legislation to prevent that?

Hon. Mr. Grossman: No, there isn't. Indeed, let's look at a situation. The trust companies are mostly the ones who will lend, and can lend only up to 75 per cent of the equity of the property. In those instances you'll find the trust companies are able, with that 75 per cent—well, the 25 per cent leverages—to sell the property and get sufficient equity out to cover themselves. So in most cases they are not obliged to go after and chase the mortgagor personally because they can drop the sale price by one quarter of the estimated real value of the property and still get all of their own money out.

In case the member is leading to a series of questions which really suggests—and I don't believe very many of his colleagues would support him in this—that you cannot continue to pursue the person who personally borrowed the money after realizing whatever funds one can out of the sale of the property,

he ought to keep in mind the fact that in very many of these instances, and probably the more serious ones, the second mortgage, which is the one which would be affected, is held as a result of an earlier sale of the property, where not a mortgage company but a vendor of the property sold his house to Stravinsky, as it were, and took a second mortgage back up to 90 or 95 per cent, say, of the property.

I think that innocent vendor would be rather unhappy if that vendor, some years down the pike, found himself or herself having only the remedy of foreclosing against the house which had been sold earlier and finding that property values had stabilized or decreased so that he or she was now out of pocket of the funds and had no right to look to the person from whom the property was bought and upon whom the vendor relied in part in selling the home and agreeing to take a mortgage back. Taking a mortgage back on a sale is often a very important part of the consummation of the transaction, and most vendors would look rather carefully at the person they're selling to for the precise reason that they know they are relying upon that person—not just the property, but that person—to make the payments or to make good a liability owed for the balance of the purchase price on the home.

I think the member should keep in mind when he's talking about the ability to go after the person who borrowed the money—and let's not forget it's a person who borrowed the money; in very few instances are we talking about mortgage companies, because they only go up to 75 per cent—that we're talking mainly about innocent vendors of property who took back a purchased money mortgage and who would be left holding property which wouldn't be much good to them; they'd be into the courts with lawyers on foreclosure actions. I think the member would want them to continue to have the right to look to the person personally who understood to pay for the balance of the purchase price by way of a purchased money mortgage back to the vendor.

Mr. Lawlor: Would the minister go this far, though, since I think he's shrewd enough to know that in the context of this illustration—I'm not sure of the facts in the very case, but the normal situation is that they're buying property for \$10,000 and they put in \$500; of course, they're asking for trouble by that very fact, and some lawyers should tell them, but very often they sign before and they have to go forward with the thing.

The \$9,500 mortgage usually goes back to the vendor who sells it. He doesn't get

\$9,500 for it; he gets \$8,000, \$7,600 or something. I think legislation should be considered restricting them to the return on the actual amount advanced on the mortgage plus whatever interest accumulates thereon in the meantime, and not upon the full face value of the mortgage for which the moneys were never advanced anyhow. I mean, this is a disaster for this individual. Not only has he lost the home and a roof over his head; he loses his job along with it because of a foolish venture. I think that's too high a price for the average citizen to pay, and fairly often it happens among the people most vulnerable. Real estate men are in cahoots about the thing. It's one of the things that brings real estate people into disrepute.

When a lawyer comes along, either there's a signed offer about which, as I say, they can do very little except go forward or pull back and let them do what they like—perhaps to sue, which is a fairly sensible thing to do most of the time, because you can tie them up pretty badly. Or if you feel that the odds are the other way on a specific performance, then you instruct them to go ahead and resell immediately. Even then they are going to fall short, probably, on the valuation because the valuation has been inflated precisely to pick up the bonus aspect and people are being victimized. It is within your competence to relieve them from a situation which is so obviously gross.

[9:45]

Hon. Mr. Grossman: I don't think the generalization would apply in all cases. There are many instances, of course, in which the vendor may have taken back a mortgage and, for example, he may have passed away subsequently. Because of a change in mortgage rates between the time of the sale and time of the death, the estate may choose to sell off the mortgage. Because of a change in mortgage rates, perhaps mortgage rates had gone up, then the only way in which that mortgage could become liquid, to satisfy the needs of the estate, would be to sell off the mortgage at a substantial discount in order that the effective rate of interest on the mortgage be back up to the current rate of interest.

That may have nothing to do with the risk entailed in the case in question or in any other case. It may simply depend upon the exigencies faced by the mortgagor at that time. For that reason it would seem to me that all-pervasive legislation may in fact work an undue and uncalled for hardship in some cases where the mortgagor was in a different situation than that laid out here.

For all we know that may be the case in the case in question.

Mr. Williams: A short while ago we were discussing the Loan and Trust Corporations Act. I have been endeavouring to identify, through that legislation, a pattern of development of foreign investment in the province that could be reflected in the annual report made with regard to the activities of the loan and trust corporations. The superintendent and the minister suggested there is no such detailed annual résumé of the financial activities of the loan and trust corporations. The reason for that may well be that I had assumed that the registrar named in the Loan and Trust Corporations Act was also one and the same person as the Superintendent of Insurance. It was for that reason that I alluded to the superintendent and, of course, I was referring to the annual report that is required under section 122 of the Loan and Trust Corporations Act. The Act is quite specific as to the detailed information that the loan and trust corporations will file. The relevant subsection of the Act provides that the registrar should prepare for the minister, from statements filed by the corporations and from any inspection or inquiries made, an annual report showing particulars of the business of each corporation as ascertained from such statements, inspection and inquiries and that the report shall be printed and published forthwith after completion.

I have gone to the legislative library and taken an extract from one of the more current annual reports: the one for 1975. This does detail the nature of the financial transactions of loan and trust corporations that are registered with the provincial authorities. The extract I have before me sets out, in columnar form, the various types of assets that are under administration by the trust companies licenced in the province of Ontario, administering either estates, trusts or other agencies which they are qualified to administer.

Under the various headings we have the categories of cash investment on behalf of estates, trusts or agencies. We have the amounts of moneys that each trust corporation has invested on behalf of its clients, being estates or trusts or other agencies in the form of bonds. It also lists the total amounts of moneys invested in stocks.

Coming in particular to the type of investments that I was referring to at some length earlier on—mortgages and sale agreements, in which the trust companies have moneys invested on behalf of their principals—it was

to these annual reports I was referring and about which I again ask a question. From this information and perhaps other detailed information that is made available to the registrar, is it not determinable what portion of those investments in mortgages and sale agreements is attributable to funds being made available by principals who can be classified as foreign principals, that is, non-resident, as contrasted to principals who are Canadian or residents of the province of Ontario?

If the answer is yes, then surely from that one could determine the extent of decline or increase in the amount of foreign investment generated through the vehicle of trust companies, which act in a very significant way as loan correspondents for these foreign investors. It wasn't without some justification I felt there might be an answer available to that query as to whether one could not determine from the activities of the loan and trust corporations as to how our economic climate was in this area of commerce and investment. With the benefit of that added information, perhaps you could further clarify the situation to me.

Hon. Mr. Grossman: In fairness to the member, I never suggested his question was without some justification or some good forethought as to a reasonable expectation that it might be available. However, a more intimate knowledge of the workings of the trust companies and the information they have at hand and the information they are required to file with the ministry would produce the result that the information is neither available nor in the reports. It just isn't there; the companies don't have it. They don't compile it in that fashion and we don't have it.

Mr. Williams: To be absolutely clear in my own mind, when you say they are not required to file it, we don't have it and it's just not there, I presume what you mean is that the distinction between domestic and foreign investment isn't broken down in the reports so as to provide the type of information I am seeking. Is that what you are saying?

Hon. Mr. Grossman: It is not sent to us. Therefore, we can't break it out for the reports.

Mr. G. Taylor: To get back to the mortgage problem which was mentioned earlier, there are many practices in the mortgage industry today, but the one that comes to my attention most frequently is that of amortization and the term of the mortgage. I am wondering under certain Acts of your

ministry whether insurance companies, credit unions and other lending institutions have had that brought to their attention to distinguish to the persons that come to them to borrow funds the exact difference between amortization and the term of a mortgage.

I find it most disheartening that every five years or so, or three years now as is getting to be the practice, they have asked the mortgage to be called in, thus causing that individual great consternation indeed through having to go out and find other mortgage funding. They have been told by either the real estate broker or the mortgage lending institution that the mortgage is a 25-year mortgage or a longer period of time, when indeed it is only a shorter period of time, now being the three-year and five-year period.

Has your ministry taken any initiative in bringing this to the attention of those people whose businesses would come under certain Acts of your ministry?

Hon. Mr. Grossman: Yes, we had every opportunity to draw that matter to the attention of prospective mortgagors. One of the little red books put out by my ministry is called "Getting a Mortgage." Specifically in that little publication we draw to the attention of mortgagors the things they should be looking for and the questions they should be asking when they're getting a mortgage.

There's no question but that in dealing with these things the amount of information we give consumers and caution them about is one thing; what happens out there on the streets in terms of how their real estate agents and lawyers are handling this situation sometimes may be something else. I would hope that the mortgage companies and loan and trust companies with which our ministry deals are being very careful and explicit about that sort of problem, because it is a very common one.

As I say, we draw it to the attention of consumers. I think it's a valid point raised by the member and perhaps we'll take care to make sure that the institutions licensed by our ministry have it drawn to their attention that they should be careful that their people are well aware of the possible confusion in the minds of the public.

Mr. G. Taylor: On the same subject, has the ministry considered investigating sufficiently to bring about any prosecutions under some of the Acts administered by this ministry of the persons who transgress this provision, which I think is lack of fair play to the mortgage borrower?

Hon. Mr. Grossman: Loan and trust companies have their licences renewed annually by the ministry. If there are any complaints in this regard, then they are brought in and the matter is discussed with them. In a serious case, if there was a clear ongoing pattern of misrepresentation or abuse, then obviously there would be no renewal issued.

In any case, there is that ongoing contact with the ministry through the annual renewal and at that time, or indeed upon immediate receipt of any complaint during the calendar year there is immediate contact made and discussions held, always with the knowledge that we carry the registration power in the event the discussions are not fruitful.

Mr. Williams: On this same point, on the last page providing the statistics under vote 1402, item 3—the question may have been raised while I was out of the chamber—in looking at the comparative statistics between 1975-76 and 1976-77 regarding the number of complaints that were registered with regard to the activities of loan and trust companies, I notice there were none in the 1975-76 period and 80 in the 1976-77 period.

Was any reference made to this significant increase in complaints that were filed in a subsequent 12-month period? If not, is there a ready explanation as to the marked increase in the number of complaints that were generated in such a short period of time?

I understand that the nature of the complaints is along the lines that my colleague was talking about earlier, as identified at the bottom of the page, but I don't know whether the quantitative difference was referred to in the earlier remarks.

Mr. Lewis: What the hell are we doing here?

Mr. Lawlor: It's an in-house issue.

Mr. Lewis: Will you put that in Hansard? "Lewis asks with existential angst, 'What the hell are we all doing here?'"

Mr. Williams: That's what we feel quite often over here, listening to what's coming from over there.

Mr. Deputy Chairman: Order, please.

Hon. Mr. Grossman: We are missing Monday night football, of course.

Mr. Lawlor: You're damned right.

Hon. Mr. Grossman: There were no figures. No one kept track of the figures in 1975-76 with regard to complaints and calls coming in on the subject matter of loan and trust companies, so we don't have a figure in there.

(The complaints coming in 1976-77 were mainly queries from the public with regard

to problems which apparently arose out of poor communication and the lack of understanding of some really basic legal matters in the minds of the public. But there were apparently a considerable number of complaints relating to increased fees on RRSPs and some of the new high fees charged for mortgage placement and discharge, although I'm sure very few of those discharge fees were charged by lawyers. In any event, those were the inquiries.

Item 3 agreed to.

[10:00]

On item 4, Motor Vehicle Accident Claims Fund:

Mr. Nixon: I would like some information on the accident claims fund. The minister may be aware that I have a private bill before the House which would make automobile insurance compulsory. This would in no way mean this fund would disappear but it would change its function considerably. I wonder if the minister could tell me how many \$100 fees were received by the fund last year.

Hon. Mr. Grossman: In 1975-76, there were approximately 125,000. The estimate for 1976-77—we don't have the figures yet—is 140,000.

Mr. Nixon: Why is that estimate going up so much?

Hon. Mr. Grossman: I presume it is not out of proportion, simply, to the number of new drivers. To the best of our knowledge, that is not out of line with the number of new drivers.

Mr. Nixon: I see you are budgeting for a statutory disbursement of \$15 million. Is the \$3.5 million strictly for administration of the fund? How many claims were there against the fund this past year?

Hon. Mr. Grossman: In 1975-76, there were 10,818. In 1976-77, we estimate about the same total or a little higher. You might want the figure for payments from the fund. In 1975-76, it was just over \$12.4 million.

Mr. Nixon: I cannot divide that. Have you by chance an average claim amount?

Hon. Mr. Grossman: No.

Mr. Nixon: I just thought it might be one of the figures your staff had provided. It is probably meaningless since the numbers you have given are the significant ones.

It seems to me that we ought to be considering, as a House, the establishment of compulsory insurance. We have had a number of select committees and commissions make recommendations here in the province that we should have a compulsory insurance pro-

gram. I am sure the minister is aware most other jurisdictions in Canada do have such a program. I was hoping the minister might be giving some consideration to recommending to his cabinet colleagues that this sort of legislation be brought before us, hopefully in 1978.

I think it is quite seriously misleading that so many drivers, particularly the younger drivers, feel they are living up to their responsibilities by making the \$100 payment into the Motor Vehicle Accident Claims Fund. It is true for a number of males under 25, particularly if their accident record is not good, that insurance premiums are astronomical, almost frightening. But the companies seem to be making some considerable progress in distributing the risk on what I would consider to be a somewhat fairer base.

What is going on over there? Oh, never mind. Here are my best pearls and they are falling before an inattentive minister—

Hon. Mr. Grossman: Not so.

Mr. Warner: He's just dozing.

Mr. Nixon:—rather than the people I usually scatter them before. I really feel that this particular operation is one for which we should not be particularly proud. I have no comment at all as to the efficiency of its administration and so on, but I do believe it is substantially misleading in this province and I would hope we would be giving consideration, as a Legislature and certainly as a government, to establishing this on a firmer footing. It seems to me that young people or anybody else who is going to drive in this province ought to be accepting the full risk of the responsibilities of operating a motor vehicle.

I am well aware that those people who do have a claim before this fund find their driving privileges are removed, unless they can make payments to the full amount of the payment from the fund. This is a kind of risk which is a lot more like Russian roulette than the kind of serious weighing against risk that I feel should be the thing we require under the laws of the province.

I wonder if the minister has any views on this and can he predict that legislation of this type would be introduced?

Hon. Mr. Grossman: Lest the member think I was not listening to his pearls, ordinarily I listen attentively and I even read them in Hansard later.

Mr. Nixon: You must have difficulty sleeping.

Hon. Mr. Grossman: Very much. I just had to do a double-take because I saw one of the items in this part of my estimates book. It says, "Government in favour of the concept

of government automobile insurance." You can understand I fell off my chair when I read that.

Mr. Warner: An excellent notion.

Hon. Mr. Grossman: It shows I don't just read what is handed to me, or else we'd all be in trouble.

Mrs. Campbell: Not necessarily.

Hon. Mr. Grossman: By the way, you might want these figures. I now have the figures on the average judgements: in 1975, judgements out of the fund were \$4,320; in 1976, \$5,069.32.

The member is quite right: I was a member of the select committee on company law, which reported in favour of compulsory automobile insurance. So there'll be no misunderstanding, I want to reaffirm for the record my and my ministry's position in favour of compulsory automobile insurance. We in the ministry are now working on some of the problems entailed in implementing compulsory automobile insurance.

Some of the deliberations of the select committee set out the problems. Indeed, the former member for Downsview was an expert at telling us all the problems entailed in terms of coincident expiry of policies—coincident upon expiry of the insurance coverage—non-cancellability of insurance policies, all of those matters.

Mr. Nixon: He had it all resolved by government operation.

Hon. Mr. Grossman: It is not an easy system to implement, but I want to assure the House that we are working on various ways in which it can be implemented. I hope one day in the not too distant future to be able to rise in the House and report that we have succeeded in following the report of the select committee on company law, in following the bill of the hon. member for Brant-Oxford-Norfolk—taking his cue, no doubt, from the select committee on company law—and implement compulsory automobile insurance.

I should add that Ontario, as has been pointed out earlier, currently has 95 or 96 per cent of all its owners insured, a higher figure than in some jurisdictions where there is compulsory automobile insurance. Having said that, I will also confirm what the member knows: even with compulsory automobile insurance there will be some uninsured drivers. But he is quite right, that would eliminate the need for most of the fund and reduce these figures dramatically. I might add that the best we could ever expect, and the experience of all jurisdictions, is to get that figure down from four or five per cent

uninsured to about two per cent. Even so, that would be an important change in terms of the number of new persons who would then have insurance. Say it cut the figure in half; almost 75,000 persons would have insurance who don't have it today.

One of the problems we face is that so many people think that when they pay into the Motor Vehicle Accident Claims Fund they're buying insurance, which is just not true. They are leaving those of us who have insurance, and have been responsible, at the whim and risk of those who are irresponsible enough just to pay into the fund.

For those reasons and reasons outlined by the member for Brant-Oxford-Norfolk in his pearls earlier, we think it's necessary to have compulsory automobile insurance. We're working on something. We hope the day isn't too far in the future.

Mr. Nixon: Mr. Chairman, I hope the minister isn't under the impression the committee he refers to was the first committee of this Legislature to recommend compulsory automobile insurance.

Hon. Mr. Grossman: That's what Vern Singer told me.

Mr. Nixon: Well, you are certainly more gullible than I had thought. Actually, the latest reincarnation of that very committee, in its recent visits to some of the socialist and former socialist jurisdictions in western Canada, as well as to California in recent weeks, has been looking—

Hon. Mr. Grossman: Oh, I missed that.

Mr. Nixon: That's what happens when you take the Queen's shilling, or whatever you've done. You miss some of these other things.

Hon. Mr. Grossman: I'm sorry I missed that. I missed Regina.

Mr. Nixon: Once again, they have delved into the efficacy of not only compulsory insurance but government-operated insurance.

Mr. Warner: Right. And they were impressed by that.

Mr. Nixon: I was quite appalled, as a matter of fact, by the way some people that I know quite well were impressed by that very matter.

Mr. Warner: The Tories.

Mr. Nixon: However, we can argue that when you hire your own hall.

Hon. Mr. Grossman: I will pay for the hall.

Mr. Warner: Would you like to be invited?

Mr. Nixon: I might be convinced, I don't know.

The idea that this recommendation sort

of burst full blown from the brow of Vernon Singer, QC, and his colleagues in that committee, is not entirely correct, although great credit, of course, is due those worthy members when they thresh that old straw again for the 97th time. I am glad to hear the minister's response, because it shows that he has not got that philosophical opposition to the concept.

I can't help but feel that a philosophical opposition has been what's kept it out of Ontario these many years. I can remember a very heated debate in this House, about 1963, when every reasonable person felt that medical insurance should be mandatory, and that we were not conferring any favour on anybody in this province if we gave them the right to opt out of medical insurance. It was apparent then that no reasonable person, except Lady Eaton who was then alive, could opt out of that insurance on a philosophical basis that she, he or anybody else, would be prepared to carry this expense themselves. We still do not have obligatory hospital and medical insurance; strong-willed people like the minister or the minister's father, or anybody like that, could opt out if they were so inclined.

Hon. Mr. Grossman: We may want to protest the confidentiality of our medical information.

Mr. Nixon: Yes; of course this is a more recent intrusion of government ineptitude into the life of the province.

Hon. Mr. Grossman: Foresight.

Mr. Nixon: I have a feeling that among the minister's more antiquated colleagues there is this feeling that any kind of compulsory insurance does not lie well with a Conservative government; I'm glad to hear the minister disclaim any of those thoughts. As a matter of fact he finds them perhaps surprising, but I can assure you that, if not among his present colleagues, among his immediate predecessors this view was held strongly and accounts for the fact that this is one of the few jurisdictions that does not require insurance on the roads.

California is different. I have not had the opportunity to delve into the intricacies by travelling there with a select committee, but I can assure you, Mr. Chairman, that a most superficial reading, of sort of the footnotes of Reader's Digest, would give you almost the equal amount of information. Down there, of course, they're so progressive in their conservatism that they will not even allow radar to be used.

Mr. Warner: The secret's out; that's where you get your information.

Mr. Nixon: So you can imagine what that does to the Fuzzbuster business. You can't use radar for detecting speeders at all, because it might be an infringement on individual liberties. As a driver myself I have a certain amount of sympathy with that position.

Of course what sells well in California is the kind of insurance that you buy to cover yourself in an accident which is totally the responsibility of the other driver, who may not be insured and you can't get any judgement or any assistance from any kind of a claim, and if you don't have that sort of insurance you're out with a tin cup. Isn't that the way it works?

Mrs. Campbell: Sometimes you are out under the fund here too.

Mr. Reed: That's true.

Hon. Mr. Grossman: That's not true.

Mr. Nixon: Perhaps we should settle this. Here is a lady to my right learned in the law who says that it is true; and who are you?

Mrs. Campbell: What are your maximums now?

Hon. Mr. Grossman: Not only am I learned in the law but my Superintendent of Insurance is learned in the law too.

Mr. Deputy Chairman: Order, please. The member for Brant-Oxford-Norfolk et cetera has the floor.

Mr. Nixon: Et cetera? Is there more to it than that? My God.

Mr. Deputy Chairman: You'd think you were counting just the counties.

Mrs. Campbell: You might tell the Chairman what your proper title is, because that is hardly parliamentary.

Mr. Nixon: Brant-Oxford-Norfolk; no it isn't, no. The people from Haldimand might not like it, because they might think you think I should be representing all of them as well; and of course it's not right.

Anyway, I've made my point and since it's almost time to quit, I'll let somebody else take the situation over.

Hon. Mr. Grossman: I should clarify the record. I never thought that compulsory automobile insurance was an idea that sprung only from the breast of the former member—

Mr. Nixon: I said brow.

[10:15]

Hon. Mr. Grossman: —or brow, of the former member for Wilson Heights. No, indeed it sprung from the brow of many of the members of the committee as well, and perhaps had its true genesis in the earlier select committee on company law studying automobile insurance under the very capable

chairmanship of James Allan, who went on to even greater heights than to chair the select committee on company law. I can't say whether it was a philosophical hangup at any time earlier in the government, and certainly I am happy to report I have no antiquated colleagues in cabinet—I have some older ones but no antiquated ones. I don't think there's a philosophical hangup and certainly under this minister there is not. Perhaps there's a new day, and I will be around to see the day when I stand up and introduce it.

Mr. Nixon: For a few weeks perhaps.

Hon. Mr. Grossman: It might be that soon—

Mr. Nixon: I just want to say one further thing, if I may—just in case the minister is here for three weeks instead of two or something like that—it seems to me that his objection; that the difficulty in implementation is another reason for a delay, doesn't sit well in this House. The very committees I have been referring to, the ones that preceded the Singer committee by many years, have visited these jurisdictions, met the administrators and found out how it's done. The minister might even prevail upon our own superintendent and his staff to travel outside the boundaries of this province, if he has never done it before, in order to get some of this information and do it like they did it there, wherever "there" happens to be. I think it started in Finland, Norway or Sweden or one of those progressive jurisdictions.

Hon. Mr. Grossman: It's probably a good idea anyway.

Mr. Nixon: I would think that if the minister brought that to his attention, he would rush right over there and find out how to do it.

Hon. Mr. Grossman: I may go myself.

Mr. Nixon: He'd better go before the minister goes.

Hon. Mr. Grossman: Indeed, he and I had the pleasure of being together on an excursion to some of those climes just a year and a half ago, although we didn't get to any of the formerly socialist countries in Europe, I might add.

In any case, I did want to rise in reply to point out to the member for Brant-Oxford-Norfolk that the select committee on company law upon which I sat submitted its first report and not only recommended in favour of compulsory automobile insurance but drew the attention of the public to some of the problems in implementation. I believe some of those problems were so recognized by the committee that the subject was re-

ferred over to the second committee to deal with them.

Mr. Nixon: And to be passed on to the third.

Hon. Mr. Grossman: There was some concern, for example, over the effect on rates and whether they would have to move to non-cancellable policies, which again would have an effect on rates, and how you could phase in a non-cancellable policy. My only point is that it's not something we just thought up to explain why time passes and we aren't introducing it tomorrow. My point is that it was well understood by the committee upon which I sat and referred to in the report signed by your colleagues and mine. In fact, some of the problems were so serious and difficult that it was referred to the now sitting committee under the very capable chairmanship of the member for Kitchener (Mr. Breithaupt) for some further deliberation on how it could be implemented so the problems are there.

Mr. Nixon: Are you going to Dade county to examine the auto insurance situation there?

Hon. Mr. Grossman: No. We will leave the travelling up to the select committee. We, in our ministry, feel we have enough resources and information to work towards successful implementation—

Mr. Warner: You could travel somewhere else.

Hon. Mr. Grossman: It's in Florida in January—to do it without the necessity, unfortunately, for either the superintendent or the minister to take any further trips.

Mr. Davison: Mr. Chairman, I am certain the minister will correct me if I am wrong, but my reading of the statistics he has provided us with is that in 1976-77, in terms of actual revenue and expenditure, the expenditure on running the program was \$2,867,870, and \$13,933,969, was paid out of the fund, for a total expenditure from the fund of \$16,801,839. Estimated revenue in the year 1976-77 was \$21 million, which roughly means there would have been a profit from the Motor Vehicle Accident Claims Fund of \$4.2 million in that year.

I take it that because of the revised estimates your revenue wasn't that high. I can't find in the material you provided me with the actual amount of revenue you got from the fund. Perhaps you could help me with that figure so that I can determine whether or not the program lost money or made money last year.

Hon. Mr. Grossman: The figures you have

got are the estimates. The actual figures are as follows: payments out, expenses, \$16,801,839; revenue, \$17 million. In that sense, there was a profit of \$200,000. Those are the actual figures I have just given you.

Mr. Davison: The actual figures I had for revenue were in fact correct. The problem then is that you were out in your estimate of revenue by some \$4 million. Is that correct?

Hon. Mr. Grossman: Yes.

Mr. Davison: How did you manage to underestimate your revenue by \$4 million, which is a rather big percentage? Was there a considerable drop in that year in the number of people requiring this kind of coverage over the year before? Were your predictions as to the increase in the number of drivers, as you have given to the member for Brant-Oxford-Norfolk, not as high as you had predicted they would be? Is that the problem with the \$4 million underestimate that year?

Hon. Mr. Grossman: Yes. In simple terms, more people went out and did the right thing and bought private automobile insurance than was anticipated. In budgeting and estimating, I would expect that since the fund must be funded, obviously, regardless of other budgetary considerations, it would be more appropriate to ensure, if anything, we err on the high side so that there is always money there to pay off any extra claims we haven't anticipated. If anything, I presume we try to estimate on the high side. Hence, I am happy to report we expected more people to be paying into the fund than did.

Mr. Davison: I am not terribly concerned about the \$200,000. I would have perhaps raised some comments as to what you would have done, if you had made \$4.2 million, as you had hopefully predicted you would have. I think that clears it up.

Hon. Mr. Grossman: For the edification of the member for Brant-Oxford-Norfolk, I might read from page 242 of the Singer report. "The committee has recommended the adoption of a system of compulsory third-party liability insurance and it will conduct more detailed studies as to methods to be adopted to provide for adequate compliance and enforcement. The committee will also consider more detailed plans for the integration of the compulsory insurance system with the licensing system. The committee will also consider the more detailed implications that compulsory insurance will have with relation to the Motor Vehicle Accident Claims Fund."

I might also add we are so dedicated in our drive towards implementing compulsory automobile insurance that our ministry is doing the work and not waiting for the select committee to complete its deliberations as to the implications.

Mr. B. Newman: I wanted to ask of the minister, of the some 140,000 individuals who pay \$100 into the Motor Vehicle Accident Claims Fund rather than purchase insurance, when they apply for their licences do you not inform them after some fashion that they do not carry insurance at all, that this does not protect them, and that they still can be held liable? Don't you warn them at all?

Hon. Mr. Grossman: In all licence offices there are signs and publications, such as the ones I have just been handed. I've got three different languages here—the two official languages as well as, I would say, Italian.

Mr. B. Newman: You provide that to individuals?

Hon. Mr. Grossman: Yes. I might say they don't have the minister's name on them, strangely.

Mr. Nixon: They all ought to be thrown out.

Hon. Mr. Grossman: But wait till next year. In any case, these are available. It says on the cover, "Your \$100 fee does not buy you insurance."

Mr. B. Newman: Is that provided to the individual, or is it just available to him?

Hon. Mr. Grossman: I'm told it's right out on the counter in the stores. Quite frankly, I think it should be provided to the individual paying the money.

Mr. B. Newman: My interest is to provide it to the individual, rather than leave it available for him to pick up if he wishes.

Hon. Mr. Grossman: Good point; I'll look into that.

Mr. Warner: Mr. Chairman, I wish to add to some of the comments raised by the member for Brant-Oxford-Norfolk, and elevate it beyond the Reader's Digest. I think it should be noted—and I do appreciate that the minister is interested in having compulsory automobile insurance—previously the government was not disposed to do this. It seemed to find great difficulty in bringing this about. I am somewhat surprised by the minister's reaction about government car insurance. Other Conservative regimes have government car insurance and they're quite pleased with it.

Hon. Mr. Grossman: They inherited it. They are stuck with it.

Mr. Warner: The comment from Mr. McGeer, who is the cabinet minister in British Columbia having responsibility for the plan—not one of your raving socialists, I might add—says that “private enterprise could not possibly operate as cheaply and efficiently as our government does.”

Mr. Nixon: Like adopting a baby—you are always on the defensive.

Hon. Mr. Grossman: All I know is that Renwick and Lawlor told me; they are the raving socialists.

Mr. Warner: You should listen to me.

Mr. Nixon: There isn't a socialist left in the House.

Mr. Warner: They have left the store in good hands.

Mr. G. Taylor: That can only be Allstate.

Mr. Warner: The minister should realize that the committee first went out there under the false assumption that perhaps government car insurance operates well because of a limited or a small population. The first comment made to them in British Columbia was, “One of the reasons for the success of this program is because we have such a large population to deal with.” There goes the myth that it only works if you have 100,000 people or whatever. Not so.

Hon. Mr. Grossman: Not even a myth.

Mr. Warner: In fact, the larger population, particularly 8.5 million people in Ontario, would suit the program. I'll add, as a final comment, the minister should also be aware that the public in Ontario increasingly want a good government car insurance plan.

Hon. Mr. Grossman: There's no such thing.

Mr. Warner: For 38 years there has been a good government car insurance plan in Saskatchewan, you're aware of that.

Mr. Wiseman: Look at the cost.

Mr. Warner: A Tory government in Manitoba and a Tory government in British Columbia—

Mr. Wiseman: Look at Manitoba. What has happened?

Mr. Warner: I didn't know I could wake up five Tories in one short sweep. That's quite amazing.

Mr. Deputy Chairman: Order, please.

Mr. Nixon: You can't wake up the NDP

because there aren't any in the House. This is where we start, right here the next time—

Mr. Deputy Chairman: Order.

Mr. Warner: The final comment I would appreciate the opportunity to make, is that—

Mr. Nixon: Start right here tomorrow.

Mr. Warner: I am going to put on the record my last comment—that last year—

Mr. Nixon: It is adjournment time. It is out of order.

Mr. Wiseman: Time! Time is up.

Mr. Warner: —in my riding of Scarborough-Ellesmere I ran a survey asking people if they wanted a government-run auto insurance plan.

Hon. Mr. Grossman: With lower premiums.

Mr. Warner: More than 60 per cent responded yes, and there were some 11 per cent who were undecided.

Mr. Wiseman: Did they know the cost and what they got for it?

Mr. Warner: But 60 per cent on a sampling of 1,000 were in favour of a government car insurance plan, because they want the rates reduced.

Mr. Deputy Chairman: Could I ask the member to wind up his remarks?

Mr. Warner: I move that the committee rise and report.

Hon. Mr. Grossman: Just quickly—

Mr. Nixon: No, no.

Hon. Mr. Grossman: I do want to move the committee rise before he convinces me. I just want to point out that the small population in BC is probably the reason they lost only \$180 million in the scheme.

[10:30]

Interjections.

Hon. Mr. Grossman: At that point, I want to correct a statement for the member for Windsor-Walkerville.

Mr. Deputy Chairman: Order, please. We have run out of time.

Hon. Mr. Grossman: These are given to people with receipts for the \$100 they pay into the fund.

On motion by Hon. Mr. Grossman, the committee of supply reported progress.

On motion by Hon. Mr. Grossman, the House adjourned at 10:31 p.m.

CONTENTS

Monday, December 5, 1977

Estimates, Ministry of Consumer and Commercial Relations, Mr. Grossman, continued	2621
Motion to adjourn, Mr. Grossman, agreed to	2645

SPEAKERS IN THIS ISSUE

Breithaupt, J. R. (Kitchener L)
 Campbell, M. (St. George L)
 Davison, M. (Hamilton Centre NDP)
 Edighoffer, H.; Chairman (Perth L)
 Grossman, Hon. L.; Minister of Consumer and Commercial Relations
 (St. Andrew-St. Patrick PC)
 Kerrio, V. (Niagara Falls L)
 Lawlor, P. D. (Lakeshore NDP)
 Lewis, S. (Scarborough West NDP)
 McClellan, R. (Bellwoods NDP)
 Newman, B. (Windsor-Walkerville L)
 Nixon, R. F. (Brant-Oxford-Norfolk L)
 Reed, J. (Halton-Burlington L)
 Rotenberg, D.; Deputy Chairman (Wilson Heights PC)
 Swart, M. (Welland-Thorold NDP)
 Taylor, G. (Simcoe Centre PC)
 Warner, D. (Scarborough-Ellesmere NDP)
 Williams, J. (Oriole PC)
 Wiseman, D. J. (Lanark PC)

BINDING SECT. APR 23 1979

